

CM 334178 1942 SABOTEURS CASE VOL. VII OF XVIII TRANSCRIPT

VII

STENOGRAPHIC TRANSCRIPT OF PROCEEDINGS

Before the

MILITARY COMMISSION TO TRY PERSONS CHARGED WITH

OFFENSES AGAINST THE LAW OF WAR AND THE

ARTICLES OF WAR.

Washington, D. C.

Wednesday, July 15, 1942.

975-1074

334178

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VOL VII

C O N T E N T S .

Wednesday, July 15, 1942.

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MILITARY COMMISSION TO TRY PERSONS CHARGED WITH

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Washington, D. C.

Wednesday, July 15, 1942.

The Military Commission appointed by the President by order dated July 2, 1942, met, in room 5235 Department of Justice, at 10 o'clock a. m., to try for offenses against the Law of War and Articles of War, the following persons: Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin and Werner Thiel.

PRESENT: Members of the Military Commission, as follows:

Major General Frank R. McCoy, President,
Major General Walter S. Grant,
Major General Blanton Winship,
Major General Lorenzo D. Gasser,
Brigadier General Guy V. Henry,
Brigadier General John T. Lewis,
Brigadier General John T. Kennedy.

As Trial Judge Advocates:

Honorable Francis Biddle, Attorney General of
the United States.
Major General Myron Cramer, The Judge Advocate
General, U. S. Army.

Colonel F. Granville Munson,
Colonel John M. Weir,
Colonel Erwin M. Treusch,
Major William T. Thurman,
Officers of the Judge Advocate General's
Department.

Oscar Cox, Assistant Solicitor General of the
United States.
James H. Rowe, Jr.,
Assistant to the Attorney General.

As Provost Marshal:

Brigadier General Albert L. Cox.

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As Counsel for the Accused except George John Dasch:

Colonel Cassius M. Dowell,
Colonel Kenneth Royall,
Major Lauson H. Stone,
Captain William G. Hummel.

As Counsel for the Accused George John Dasch:

Colonel Carl L. Ristine.

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PROCEEDINGS

The President. The Commission is open.

Colonel Munson. May it please the Commission: The personnel of the Commission, of the prosecution except Colonel Weir and Major Thurman, and of the defense except Major Stone, all of whom are temporarily absent on official business, all eight of the accused, and the reporter are present.

The witness who was testifying at the conclusion of the last session has resumed the stand, and he is warned that he is still under oath.

The President. The witness is Mr. Wiand?

The Witness. Yes, sir.

The Attorney General. I wish to announce that Mr. Cutler is temporarily absent from the prosecution.

Colonel Munson. Does the Commission desire to have me read into the record the names of those who have been sworn to secrecy since the last session? They are those who are engaged in work for both sides. I have so sworn a number of persons.

The President. Yes, I think it would be well.

Colonel Munson. May the record show that this assistant trial judge advocate swore the following persons to secrecy in the usual form of the oath, omitting the words as to proceedings

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in the courtroom, so they were sworn generally to secrecy:

Miss Virginia Grantham, 1301 Vermont Avenue, Northwest, Washington, D. C.

Mrs. Louise Mitchell, 329 West Bradley Lane, Chevy Chase, Maryland.

They were sworn on the 14th day of July, 1942, on behalf of the defense.

Miss Reba Cohen, 1610 Sixteenth Street, Northwest, Washington, D. C., sworn on behalf of the prosecution on July 15, 1942.

Miss Katherine Webb, 3157 Eighteenth Street, Northwest, Washington, D. C., and Captain Thomas W. Bruton, Specialist, whose office address is 4D438, Pentagon Building, Arlington, Virginia.

The Attorney General. I wish to announce that Mr. Cutler is now here.

Colonel Munson. Mr. Cutler has resumed his seat.

BURTON P. WIAND,

the witness on the stand at the time of adjournment on July 14, resumed the stand and, having been previously duly sworn, testified further as follows:

DIRECT EXAMINATION--Resumed

Questions by the Attorney General:

Q Will you please continue reading Exhibit 150?

A (Reading)

"We still had on these uniforms that I have previously mentioned and I left my Army cap in the submarine. We were told by George Dasch when we got on the beach that we were to take off these clothes

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and put them in a sack and sailors who were to accompany us would take them back to the submarine, and then we were to change into our own clothes.

"We came up on deck of the submarine and there were about fourteen members of the crew on the deck and I believe the submarine had about forty crew members. When we got on deck there was a rubber boat tied to the side of the submarine with a line tied on the back of it. I think the reason for this line was because it was so foggy that they might not be able to find the submarine when they started back. There were two sailors in the boat and the boat had regular oars. The boxes were already placed in the boat. The Captain wished us good luck. We stepped into the boat and started rowing for shore. I think we rowed for about ten or fifteen minutes. When we got to the surf it was pretty rough and when we got on the beach I carried two of the boxes back up on the beach and then I changed clothes. George said he was going out to look around. I forgot to say that when we left the submarine I had on a pair of blue swimming trunks with a white belt on under my uniform. After we got up on the beach, Pete came running back and said that George had met a watchman but that everything was all right - we were supposed to go ahead so we very hurriedly changed our clothes and I do not know whether we got all of it in the bag and one of them was supposed to take the bag back to the sailors to be taken back to the submarine, but I do not know whether

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they took them or not. We changed clothes and took the boxes a little further back on the beach and we had two trench shovels we were to use to bury these boxes which we had gotten from the submarine. These were short shovels about two feet long with a cross bar on them. I also buried the boxes and pretty soon George came up and we all left for the road. We all got scared when we heard that George had run into a watchman.

"After we got together, we went back up the road and laid down and hid for awhile. During this time there were searchlights from land shining around and at one time I heard a noise and we thought this noise was made by a submarine taking off. On this night, it was very foggy and you could only see about ten yards ahead of you. At times the fog shifted a little bit and you could see a little farther. While we were laying together up near the road, George mentioned that he thought he had lost a note book.

"I have been shown a vest which is brown gabardine and I have identified it as my vest belonging to the suit that I brought over with me from Germany. The reason I know it is my vest is because it has a tear in the back on the right side and on the front there was a cleaning tag on the tip of the vest on the right side which I tore off and I remember there remained several white stitches on the inside of the vest on this tip. I recall last having this vest in my possession when I left the submarine and I do not know

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when I lost it or that I had lost it until it was shown to me. I purchased this suit I think around 1936, at Crawford's Clothing store which is located on 86th Street in Yorkville.

"We laid in the sand there for awhile and then we walked in the sand away from the beach until we came to a road which I think was a concrete road or asphalt. When we came to this road, we turned left and along the side of this road there was some shrubbery and we walked behind the shrubbery to our left until we came to what looked like a country road and we turned right for just a little while and then we went into another road which we followed. That led us to the railroad tracks. We followed the railroad tracks until we came to a station which was Amagansett, Long Island. We waited there on the station platform on a bench and it was daylight when we got there. I think we landed from the submarine around one o'clock in the morning on June 13, 1942. We sat down for awhile when we got near the station to wait for it to get light. We waited for about two hours until a train came along and George bought the tickets for all of us in the station, for Jamaica, Long Island.

"We arrived in Jamaica, I think, around nine thirty o'clock in the morning and we agreed that Henry and I would start together and that Pete and Dasch would go together. We separated at the station. I think George mentioned one time that we should check

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into the Chesterfield Hotel. They did not tell us where they were going and we arranged to meet at Grant's Tomb I think on Saturdays and Wednesdays at six o'clock at night and we also made definite arrangements to go there the next day at six o'clock in the evening.

"Henry and I went to some stores near the railroad station in Jamaica; I bought a pair of slacks and a shirt and I threw my other clothes that were in a bundle, in a wastepaper can. I think Henry bought the same stuff that I did. I do not think he threw his suit away. We went from there on the subway over to New York and we did not want to look around for the Chesterfield Hotel, but before this we went to Macy's where I bought a suitcase and some toilet articles and other clothing. We were at Pennsylvania Station and I asked some fellow standing there where was a good hotel that was not too high priced and he told us to go to the Martinique.

"We checked in there in the afternoon and I registered as Richard Quintas of Schenectady or Albany, New York. We got a double room and it cost us \$5.00 a day. We remained in this hotel for two days and checked out on Monday because Henry and I found a room at 149 West 76th Street, New York City. We intended to remain at this room for some time.

"On Saturday night, we just fooled around and on Sunday we met Pete and George at Grant's Tomb at around six p.m. George told me at this time that

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they were staying at the New Yorker Hotel but I later learned that this was not true because Pete told me that they had stayed at the Governor Clinton Hotel all the time. When we met at Grant's Tomb, I walked with Pete and we talked together and Henry walked with George. When Henry and I got together again he told me that George had said that on account of the guard, we would leave the explosives where they were, it was not good to go back for them.

"I met Pete the following day at which time Henry was with me and I think this was on Tuesday, June 16th and I gave Pete our new address on West 76th Street. While we were together, he said it was good to be together because he was all alone. I forgot to say that George told us when we were at Grant's Tomb that he was going to leave town for a few days, but did not say where he was going.

"That day I think we went out to dinner together and on Wednesday, we met again, June 17th, and we went to Rogers Peet, a men's clothing store at 41st Street and 5th Avenue, where Pete bought a jacket and I bought a suit and they told us they would be ready for us on Saturday, June 20th at three o'clock and we arranged to meet there at that time to get these clothes. I think Pete gave me his address at the Governor Clinton Hotel on Wednesday, June 17th, 1942 and I think the room number was 1421. I was down to the hotel a few times after that and one night I stayed all night with Pete.

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"We mentioned at times what would happen if we got caught and we talked about what we would say and we thought it would be all over in case we were caught.

"I am a citizen of Germany and a member of the Nazi Party and I feel that my loyalty is to Germany.

"I was not forced to come to the United States and I volunteered for this proposition. I volunteered after I was made acquainted with it. I knew that I was to work for the benefit of the German Government in this war by doing what I could in the United States to hinder production of war supplies and materials. At the time I was in school in Germany and at the time I boarded the submarine, it was my intention to come to the United States and do this work and if I had not been apprehended it is possible that I might have carried out my instructions although I am not sure. I promised Kappe in Germany when I took this job to do sabotage in the United States that I would do it. I do not feel myself any different from any soldier over there as I felt that it was my duty to do something for the Fatherland, being a German citizen and being loyal to Germany. Since my arrival in the United States I have not talked with any of the people that I knew when I was here before.

"I have not mentioned that while I was on the farm they instructed us how to write with invisible ink. This was prepared by using aspirin tablets and alcohol. They told us another way was by wetting a sheet of paper and placing it on glass; then taking

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another sheet of paper and putting it on top of this piece of paper and writing with a pencil. In using alcohol and aspirin, we used a stick with cotton on the end of it to write with and it disappeared as you wrote. The reason they told us they were giving us this training was so that we could write to each other while we were in the United States. They did not give me the names of anyone in the United States to contact and I received no names in Germany to write to nor was I furnished with any secret message or information in secret ink or code when I left from Germany.

"I want to explain that they told us the way to develop this secret writing was for the one where you used a wet paper with another paper over it and wrote with a pencil. You put it in water and you can read the message. To bring out the message written with alcohol and aspirin tablet, you merely took alcohol and wiped over it with a piece of cotton and then it would appear and disappear again and when the writing appeared it was reddish in color. We tried this with some they furnished us at the farm and it worked all right.

"I forgot to mention that when we were in France, George gave each of us a book of what he told me was regular matches and he told us we should have some matches from the United States on us and I used some of these matches to light cigarettes and they worked all right. He never said at any time that they were to be used for secret writing and I

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know nothing about any such matches and they told me nothing about them.

"I have made this statement, consisting of 21 pages, on June 25th, June 27th and June 28th, 1942 and I have read this statement aloud in the presence of B. F. Wiand and H. G. Foster, whom I know to be Special Agents of the Federal Bureau of Investigation and I state that it is true and correct to the best of my knowledge and belief. I have also signed each page of this statement.

(Signed) "Richard Quirin

(Signed) "B. F. Wiand

(Signed) "H. G. Foster

"Special Agents of the Federal
Bureau of Investigation
"607 U.S. Court House
"Foley Square
"New York, New York"

Q Mr. Wiand, I show you Exhibit P-151 and ask you if you recognize it.

A Yes, sir, I do.

Q This is the third statement made by Quirin?

A That is right, yes, sir.

Q Is it signed by him?

A It is signed by him as Richard Quirin.

Q At the end?

A Yes, sir.

Q Did he sign the first two pages?

A Yes, as R. Quirin.

Q Was this taken in your presence?

A It was.

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Q When was it taken?

A On July 3, 1942.

Q Who else was present?

A Special Agent C. E. Airhart.

Q What time of day was it taken?

A This statement was taken in the afternoon.

The Attorney General. Does counsel wish to ask any questions?

The President. On what date was it taken, may I ask?

The Attorney General. Exhibit P-151 was taken on July 3, 1942.

Does counsel wish to ask any preliminary questions?

Colonel Royall. No.

The Attorney General. I offer Exhibit P-151 in evidence and ask that the witness read it.

(Exhibit P-151, statement of Richard Quirin dated July 3, 1942, was offered in evidence and was read by the witness, as follows:)

The Witness (reading):

"EXHIBIT P-151

"New York, N. Y.

"July 3, 1942

"I, Richard Quirin, make the following statement to B. F. Wiand and C. E. Airhart, who I know are Special Agents of the Federal Bureau of Investigation, to supplement the statement that I gave on June 20, 1942. I realize that I do not have to make this statement and I do so voluntarily without any threats or promises, and I know it can be used as evidence in a court of law.

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"When I got back to Berlin after I had taken my wife and daughter, Rose Marie, to my wife's folks in Kulmbach, I went to Walter Kappe's office at Rante 5, and the following fellows were there with me who had been trained on the farm to do sabotage work in the United States: George Dasch, Peter Burger, Henry Heinck, Hermann, Bill, Eddie, Herbie and Jerry. I think Bill or Hermann was using the last name of Nichols or Nicholas.

"Kappe told us we should report there every day, and one time he told us we were going to a factory and I think that day we took a boat ride along the canal. We went to the railroad yards in Berlin and a man there, who was with the railroad company, showed us around the yard and explained an engine to us and the vital parts of engines, such as the oil boxes, piston rods and we were allowed to look the engine over. The fellow who showed us the engine did not tell us anything about putting sand or emery dust in the oil boxes and in the cylinders, but another fellow who was with us on that day and who I had never seen before, after this factory man had gone, told us how to disable an engine. He said this could be done by putting sand in the oil boxes on the wheels or emery dust on the piston rods, and that is about all I remember about it. You see, my being a mechanic I know how to disable machines and I did not pay much attention to what was going on here, although I was interested in the locomotive factory which

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was located there and which they showed us. This repair shop or factory belongs to the German Railroad Company.

"I think it was before we went to the factory we were taken on a boat ride through a canal which was located in Berlin, and they took us through a water lock and explained this lock to us. They explained how the ship was going in and the lock was being emptied and that this lock regulates the shipping through this canal and if this were damaged it would tie up all shipping. They told us that this would be a hard job to do and that it would take a lot of explosives and it would be hard to get to the hinges of the lock and the work would have to be done under water.

"On another day I remember Kappe took all of us to an aluminum factory located near Berlin, the station was named Betterfield. There was a bus waiting for us at this station and it took us to the aluminum factory and Kappe talked with the guard and someone came out and got us in. I want to state now that I remember a fellow who was with Kappe a lot, named Reinhold, but I do not know his last name. He was a short fellow and wore glasses and he came to the farm where we were trained often and he and Kappe were always together. I think he was some kind of a secretary to Kappe.

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"Kappe made arrangements so that we could get past the guard into the aluminum factory. Some fellow in the factory took us around and showed us the plant itself and we walked through it, looking at this and that, and then were taken to the power plant. They showed us the high voltage wires leading into the plant. They explained that if the power line could be cut off it would disable the factory. They said the power lines that came in were high voltage. Then they took us to some of the transformers, which were right there, and showed us these. They told us that if we would drill a hole in the transformer and let the oil run out it would put them out of order and make the plant shut down so that they could not get any power. They showed us several of these power stations, but they were all alike and they told us most all power plants were like that. They told us that if we wanted to do serious damage it would be best to cut off the power line somehow. They said there was no use trying to blow up a furnace as long as it would not seriously damage the production.

"When we got through being shown this factory, we had dinner there and some of the fellows who had come out with us that day, who I did not know, made speeches. They were just after dinner speeches and had nothing to do with our sabotage work. I do not know the name of the factory that we were shown and I never asked them.

"I also forgot to tell in my other statement, that after we arrived on the submarine June 13, 1942, around the middle of that week Henry told me he wanted to go see a friend of his. We did not talk about whether he should

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go to see this friend, and I told him I would go along with him. I think Henry knew his address and we went out by subway on the Jamaica line and we got off at either 36th or 46th Street. I don't remember on what street this person lived, but it was near the subway station and he lived in an apartment house, I think on the first floor. When we got near this house I waited at the corner and Henry went down to the house. I later went into a restaurant and drank some beer and Henry came back in about two hours and told me that his friend's name was Faje, and that he had only been able to see Mrs. Faje as her husband was not home, but she had invited us for dinner that evening. I think Henry got back around 2 o'clock in the afternoon. We then went back to our room and cleaned up and came back and had dinner with the Faje's and Henry introduced me to them and this was the first time I ever saw them. I had no purpose in going to see the Faje's other than to be with my friend Henry, and during the evening I recall it was mentioned that we had come back to the United States on a German submarine. I did not enter the conversation going on that evening very much, but I remember seeing Henry and Faje with the two dollar bills. Henry never did tell me that he gave Faje any money.

"I have read the above statement, consisting of three pages, and have signed my name to each page, and I state that it is true and correct to the best of my knowledge and belief.

"(signed) Richard Quirin

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"Witnessed:

B. F. Wiand

C. E. Airhart

Special Agents, Federal Bureau of Investigation
U. S. Department of Justice
607 U. S. Court House, Foley Square
New York City"

Questions by the Attorney General:

Q I show you what has been marked P-152 and ask you what that is?

A This is a black leather bill-fold.

Q Where did you get it?

A This bill-fold was taken from the defendant, Richard Quirin, in my presence, by Special Agent H. G. Foster. It was turned over to me and I examined the contents of it.

Q Is P-152-A a photograph of that bill-fold?

A Yes, sir; it is.

Q What did you take out of the bill-fold?

A A Social Security card and a draft registration card.

Q Anything else?

A There was, I believe, a lottery receipt, a card from a salesman of Rogers Peet, and \$63 in cash.

The Attorney General. I offer the bill-fold in evidence and ask that the photograph P-152-A be spread on the record.

(Bill-fold marked for identification P-152 was received in evidence.)

Questions by the Attorney General:

Q I show you exhibit marked for identification P-153 and ask you what it is?

A This is a draft registration certificate in the

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name of Richard Quintas, made out as 42 Jerome Avenue, New York City, New York, dated October 16, 1940, signed by Jerome McCarthy, registrar for the 26th precinct, 20th Ward, New York City, New York.

Q You took that from the bill-fold?

A I did; yes.

Q Are these photographs marked P-153-A and P-153-B photographs of that exhibit?

A Yes, sir.

The Attorney General. I ask that photographs P-153-A and P-153-B be put in the original record and that the registration certificate be received in evidence.

(Registration certificate marked P-153 for identification was received in evidence.)

Questions by the Attorney General:

Q I show you Exhibit P-154 and ask you what it is?

A This is a Social Security card that was taken from the bill-fold in the presence of Special Agent Foster and the defendant Richard Quirin and identified by him.

Q Is this (indicating) a photograph of it?

A Yes, sir.

The Attorney General. I offer the Social Security card, P-154, in evidence and ask that the photograph marked P-154-A be spread in the original record.

(Social Security card marked P-154 for identification was received in evidence.)

Questions by the Attorney General:

Q I show you what has been marked P-155 and ask you what it is?

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A This, I was told by the defendant Quirin, is a money belt which was given to him, and it contained \$3,850.

Q You mean, he told you that it contained that?

A No, sir; I counted the money.

Q Where was the belt?

A On a desk in the office in New York City.

Q And it contained how much?

A \$3,850.

Q In what denominations?

A Fifty-dollar bills.

Q Is this a photograph of that exhibit?

A Yes, sir; it is.

The Attorney General. I offer P-155 in evidence and ask that the photograph, P-155-A, be made a part of the original record.

(Money belt marked P-155 for identification was received in evidence.)

Questions by the Attorney General:

Q What did the defendant say to you with respect to these two cards, if anything?

A He told me, first, that they were furnished to him in Germany by his instructors at the farm. Then later he said they were furnished to him by Kappe in Berlin, as everyone had to have a draft registration certificate and a Social Security card.

Q Did he say who made them up?

A He said they were already made up in the name of Richard Quintas, and he signed his name as Richard Quintas.

Q Did he sign both, or only one of them?

A I recall only the draft registration card.

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Q Did the defendant Quirin say anything to you with respect to the money that was furnished to him?

A Yes. He first said that the money was given to him by Walter Kappe in Berlin. He did not say Walter Kappe; he said by a person he didn't know in Berlin.

Q What money is that?

A The \$3,850. He subsequently said that this money was given to him by the defendant George Dasch on the submarine when he was coming to the United States, and was told it contained \$4,000.

The Attorney General. You may cross-examine.

Colonel Royall. This cross-examination is on behalf of the defendant Quirin.

CROSS EXAMINATION

Questions by Colonel Royall:

Q Mr. Wiand, the defendant Quirin gave you fully and freely information about the industrial and social conditions in Germany, did he not?

A Yes, he did; he gave me some information concerning that.

Q Did you obtain any similar information from anyone else?

A I do not recall that I did personally.

Q In connection with this third statement which was received in evidence, that was given at the request and suggestion of Quirin himself, was it not, he stating that he wished to clear up some further matters?

A No, sir. I will tell you how that arose. I told the defendant Quirin that I had ascertained that when he went

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back to Berlin, instead of going home on a vacation and coming back and reporting from there, that they were taken on a tour of factories, and he said, "Yes, that is right. I forgot that." I also asked him if he did not accompany the defendant Heinck to visit a party named Faje, and he said, "Yes; that is right." Then at first he said he had better not put that in the statement, because it was a matter that Heinck should explain. Later he consented to put it in the statement; and those are the facts as he gave them to me.

Q Did you take statements from any of the other defendants?

A No, sir; I took no statements. I was present during one time the defendant Heinck was being questioned.

Q So far as you know, was this statement made by Quirin the first statement that was obtained, or do you know of your own knowledge of any others that were obtained before this?

A Which statement are you referring to?

Q The first statement.

A That was the first statement that was obtained. As I explained yesterday on that statement, he first gave a statement which was typed up and brought back to him, at which time he said, "I didn't tell you the truth; I want to change it." So he would not sign it as it was. So we rewrote the statement according to his wishes.

Q I think possibly my question was not clear. Was the first statement of Quirin, so far as you know, the first statement that was obtained from any of the defendants?

A No, sir; I don't know that.

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Q Did you ask any other defendant except Quirin specifically what his intent was in coming to this country?

A No, sir; I don't believe I did.

Q You did not ask Heinck that?

A I was present in the room when Heinck was being questioned, but I don't believe I asked Heinck any questions in that respect.

Q Quirin did tell you that when he went to that school, while he wished to serve his country, Germany, he did not fully realize the nature of the undertaking he was getting into, didn't he?

A No. I recall his statement in that regard, that at the time he went there he wanted to come back to the United States. That is the statement he made in connection with that.

Q Did he not tell you that he did not fully realize and know just what was contemplated in the way of sabotage or as to the method of entrance to this country, and that after he learned the full facts it was too late for him to get out of it?

A No, sir; he didn't say that.

Q I believe it appears from this examination that the descriptive word which was used both by Quirin and by your questioning as to the work that was to be done in America, was uniformly the word "sabotage," was it not?

A That is correct; yes.

Colonel Royall. That is all.

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REDIRECT EXAMINATION

Questions by the Attorney General:

Q Did you show the defendant Quirin certain articles of clothing?

A Yes, sir.

Q What did you show him?

A The clothing that was found on the beach at Amagansett, Long Island, at which time he identified tennis shoes as having been worn by him at the time he landed from the submarine. He also said that the articles of clothing, such as trousers, the jacket and the cap, were similar to the ones he had worn, although he could not pick out the exact clothing he wore at the time he landed.

Q Did you show him the shovels?

A Yes, sir; and he said they were similar to those used by him when they buried the explosives on the beach.

Q Did you show him the vest that is in evidence?

A Yes.

Q What did he say about that?

A He identified it as being his vest.

Q Was that the brown vest?

A The brown gabardine vest; yes.

The Attorney General. May it please the Commission, to save time, if agreeable to counsel, I shall not bring back the original articles of clothing, but the next witness will introduce photographs of it.

Colonel Royall. I see no necessity to bring it back.

(At this point Major Stone, of defense counsel, resumed his seat in the court room.)

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The President. Are there any further questions?

(No response) There seem to be none.

(The witness left the stand.)

The Attorney General. We will call Mr. Foster.

Lieutenant Page. This witness has not been sworn.

Colonel Munson. Mr. Foster, two oaths will be taken.

In addition to the usual oath as a witness, there is an oath of secrecy, and I am directed by the Commission to inform you that violation of that oath may result in proceedings of a penal nature, in contempt or otherwise. In taking that oath, do you understand that?

Mr. Foster. Yes.

Colonel Munson. You solemnly swear that you will not divulge the proceedings to anyone outside of this court room until released from your obligation by proper authority or required so to do by such proper authority?

Mr. Foster. I do.

Colonel Munson. You swear that the evidence you shall give in the case on hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Foster. I do.

H. G. FOSTER

was called as a witness for the prosecution and testified as follows:

Colonel Munson. Will you please state your name, residence or office address, and occupation?

Mr. Foster. H. G. Foster, Special Agent, Federal Bureau of Investigation, located at 607 United States Court House, Foley Square, New York City.

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The Attorney General. I will ask the reporter to mark these photographs for identification.

(Photographs handed to the reporter were marked P-156 to P-171, inclusive, for identification.)

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DIRECT EXAMINATION

Questions by the Attorney General:

Q Mr. Foster, I show you some photographs which have been already marked for identification P-156 to 171, both inclusive, and ask you if you can identify them and will you tell the Commission what they are?

A Yes, sir, I can identify these. These are photographs of material worn by or material brought in by the agents who landed on Long Island, which I exhibited to Richard Quirin.

Q Did he endorse each photograph?

A Yes, he did.

Q In his writing?

A That is right.

Q And signed the endorsement?

A That is right.

Q Will you turn to each photograph, identify it by number and state what Quirin endorsed on the back of each photograph?

A The first one is P-156. This is a photograph of a box, and Quirin stated on the back thereof, in his own handwriting: "These look like the boxes which we brought over on submarine." This is dated. His statement on the back of that is dated 7/1/1942.

Q You need not reread the date if the dates are all the same.

A The dates are all the same, yes.

Q All right.

A P-157 is a photograph of three boxes and some

2b

smaller items there. Quirin wrote on the back of this:

"These boxes look like the ones we brought over and the packages seem to be the explosives we were told would be in it."

Question by the President:

Q Who are they signed by?

A Each of them is signed by Mr. Quirin. He wrote on the back of each one of them his comment relative to that picture. They are also witnessed by myself and another agent.

Questions by the Attorney General:

Q Supposing you just in each instance read what he wrote on the photograph.

A That is what I am doing.

Q Yes.

A P-158: "These look like the fuses and explosives with which we practiced in Germany and which we were told would be in the boxes we brought." Also signed by Quirin in his own handwriting.

P-159: "I have marked an X under the picture which I believe are caps to use to set off explosives." He marked the particular item on this photograph which he could identify as a particular item.

P-160: "I believe these are caps to set off explosives."

P-161: "These look like the incendiary pencils which we saw in Germany and which we were told would be in boxes which we brought over with us."

P-162: "These look like the time clocks which were shown to us in Germany and were told were placed in the boxes which we brought over in the submarine."

P-163: "These look like the shovels we used to bury the

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boxes on the beach."

P-164: "This looks like the bag we used to bring our clothes in to this country."

P-165: "This looks like the clothes we wore in landing on the beach."

P-166: "This is a picture of the German Army cap given to us to wear in the submarine and while landing in the U.S.A."

P-167: "This is a picture of the German Army cap given to us to wear in the submarine and while landing in the U.S.A."

P-168: "This looks like the buttons we had on our coats which we wore while landing."

P-169: "I have marked an X under the shoe that I identify as mine. I think that I recognize the other shoes as belonging to the other fellows in my group."

P-170: "These look like the coat and pants that we wore when landing here."

P-171: "These look like the clothes we wore when landing here."

That is the last one.

The Attorney General. I offer in evidence P-156 to 171, inclusive, and ask that they be spread in the original record.

(Photographs of various articles of clothing and material as described above were thereupon received in evidence as Prosecution Exhibits P-156 to 171, inclusive.)

The Attorney General. Cross-examine.

Colonel Royall: No cross-examination. I retract that.

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CROSS-EXAMINATION

Questions by Colonel Royall:

Q Did you talk with any of the other defendants?

A With any of the other defendants?

Q Yes.

A I spoke to some of the others, yes, sir.

Q Did you take any statements from any of them?

A I did not take any statements from any of the others, no, sir.

Colonel Royall: No further questions.

The Attorney General: I would just like to ask one question.

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REDIRECT EXAMINATION

Questions by the Attorney General:

Q Can you identify the defendant Quirin in court?

A Yes, sir, right here (indicating).

Q Sitting next to Colonel Royall?

A Yes.

The President. What is the witness' name?

The Witness. Richard Quirin.

The President. No, your name.

The Witness. My name is H. G. Foster.

The President. This is the special agent that Mr. Wiand said was with him while he was taking the statements read heretofore?

The Attorney General. The first two statements, if I remember correctly. The witness was not present at the third statement.

Colonel Royall. May it please the Commission, this cross-

examination, of course, as in the case of the other witnesses, is on behalf of the defendant.

The Witness. Is that all?

Colonel Royall. That is all.

The Attorney General. That is all, Mr. Foster.

(The witness left the stand.)

The Attorney General. Mr. President, Colonel Royall and Colonel Ristine have requested me to recall four of the agents who have already testified. I at this time will now call them, so as to give counsel a further chance to cross-examine.

The President. In anticipation of that, are there any other statements that you care to make, in view of the fact that heretofore, I believe, counsel has declined to cross-examine and gave the reason?

The Attorney General. No, I do not want to give any statement and I want it understood that they preserve any rights they have in cross-examining them. I do not want in any way to limit their rights. So I will ask the first one, Mr. Rice, to come in. These witnesses have all been sworn.

Colonel Royall. We would like to have Mr. Johnson first.

The Attorney General. Very good. I will change the order. Will you give us the order now? Johnson first?

Colonel Royall. Yes. Then Rice.

The Attorney General. Who third?

Colonel Royall. Willis.

The Attorney General. Willis third?

Colonel Royall. Yes.

The Attorney General. That is satisfactory.

Mr. Johnson, then, please.

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Lieutenant Page. Richard L. Johnson. This witness has already been sworn to secrecy.

The Attorney General. For your convenience, in order that you may more easily follow the evidence, the prosecution has now finished the evidence with relation to the landing in Long Island and we will now take up, after these four witnesses have been cross-examined, the evidence with relation to the landing in Florida.

Colonel Munson. The witness is reminded he is still under oath.

Colonel Royall. This cross-examination is solely on behalf of the defendant Heinck.

RICHARD L. JOHNSON

was recalled as a witness for the prosecution and, having been previously duly sworn, testified further as follows:

CROSS-EXAMINATION

Questions by Colonel Royall:

Q Mr. Johnson, I will ask you if it is not a fact that when you were talking with the defendant Heinck he told you that he had shaken hands with George Dasch that they were going to forget all about the boxes on the beach and were going to devise a method to give themselves up?

A That is not true, no.

Q Well, did he make any similar statement about discussing giving himself up?

A He never at any time made any statement with reference to his giving himself up, no.

Q Did he tell you about a discussion with George Dasch about leaving the boxes on the beach?

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A He mentioned shaking hands with George Dasch. He said that after Dasch disposed of this Coast Guardsman on the beach he shook hands with him and congratulated him and said there was no question now as to his being the leader of the group, but he never at any time mentioned any agreement with George Dasch to give himself up or for the group to give themselves up.

Q Did he mention any discussion with him?

A Not at any time with reference to the matter of giving himself up.

Q Did he discuss in any way that he did not intend to go ahead any further with it or do anything about the boxes?

A We discussed that matter with Heinck on two or three different occasions and his first statement was that he believed that he did intend to carry out this matter when he landed on the beach. He said that he and Quirin later had a discussion with reference to this matter and there was some doubt in their minds as to whether or not they would. After he had completed his written statement, that is, after the dictation of the statement had been completed, that question was again brought up, and Heinck made the statement that he would not have known anything else to have done but carry it out. He said that otherwise he felt like he would have been ratting on his country. I believe that is the word he used.

Q That is all you recall, as the only statement he made along that line?

A Those statements are the only ones that I recall.

Q I mean those statements.

A Yes.

Colonel Royall. That is all.

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The Attorney General. May I ask a question?

The President. Yes.

REDIRECT EXAMINATION

Questions by the Attorney General:

Q Heinck said to you that he and Quirin had, I think you said, later discussed the possibility of giving it up. Did he tell you when he discussed such a possibility with Quirin?

A I believe he said that conversation was at Grant's Tomb and that was some time after the landing. I do not recall the date and I do not believe he recalled the date when he told us of that conversation.

The Attorney General. That is all.

The President. Any questions, Colonel Ristine?

Colonel Ristine. No questions.

The President. Any questions by the Commission? There seemsto be none.

The Attorney General. That is all.

(The witness left the stand.)

The Attorney General. Mr. Rice.

Lieutenant Page. B. D. Rice. This witness already has been sworn to secrecy.

Colonel Munson. Mr. Rice, you are reminded that you are still under oath.

Mr. Rice. Yes, sir.

The Attorney General. Note that Mr. Rice is recalled.

B. DOWNEY RICE

was recalled as a witness for the prosecution and, having been previously duly sworn, testified further as follows:

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CROSS EXAMINATION

Questions by Colonel Ristine:

Q Mr. Rice, I now hand you a document marked "Defendant's C-1," which appears to be two pages stapled together, and another document marked "Defendant's C-2," which also appears to be two pages stapled together, and get you to tell us, if you can, what those documents are.

The Attorney General. May I say this. Mr. Rice, if you will identify the document without reading it. I object to the witness reading the document. Will that be satisfactory, if he first identifies it?

Colonel Ristine. That is all my question called for, to state what the documents were.

The Attorney General. That is right. State what it is.

A With respect to Defendant's C-2, it appears to be similar to an envelope that I received in the Governor Clinton Hotel. This other one I have never seen.

Colonel Ristine. Do you have the original? That is, as I understand it, a photostatic copy of the original.

The Attorney General. Here is the original.

Colonel Ristine. Apparently he is not able to identify it. Has this ever been marked?

The Attorney General. I think we will assume it has the same marking.

Colonel Ristine. I do not know how to refer to this, if it has not been marked.

The Attorney General. Yes.

Colonel Ristine. Possibly it should be marked.

The Attorney General. I will have the reporter mark them

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Defendant's C-1 original and Defendant's C-2 original.

(The original letter and envelope were marked for identification Defendant's C-1 original and Defendant's C-2 original, respectively.)

Questions by Colonel Ristine:

Q I now hand you two documents marked "Defendant's C-1 original" and "Defendant's C-2 original" and ask you to tell us if you can, what those documents are.

A As I said before, Defendant's C-2 original appears to be similar to an envelope which I received in the Governor Clinton Hotel on July 20th--or June 20th, 1942. Defendant's C-1 original I have never seen before.

Q Would you tell us the circumstances under which you received the document which you say you did not see?

A Yes, sir. The envelope was given to us by the manager of the Governor Clinton Hotel on that date.

Q To whom was that envelope addressed?

A The envelope is addressed to Mr. Ernest Peter Burger, Room 1421, Governor Clinton Hotel, New York City.

Q And written on--I mean, does the envelope have any return address?

A It is an envelope of the Mayflower, Washington, D.C. There is no return address as far as the person's name is concerned.

Q At the time you received the envelope was it signed and did it contain any documents or letters?

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A The envelope was sealed; I don't know whether it contained anything or not.

Q You could not tell whether it contained any paper or document?

A No way of my telling.

Q Do you know what agent opened the letter?

A No, sir. I don't know that an agent did open it.

Colonel Ristine. Is there any doubt about whether this letter was contained in that envelope?

The Attorney General. I do not think there is any doubt at all.

Colonel Ristine. Could we stipulate that that letter was in that envelope when it was recovered by this agent?

The Attorney General. Certainly.

Colonel Ristine. It just saves putting on the other witness.

The Attorney General. Certainly.

Colonel Ristine. If the Commission please, we should like to offer in evidence as a part of the cross-examination these two documents, because it appears that the letter is signed by Mr. Dasch and it has to do with the subject matter which the prosecution has gone into at considerable length with respect to questions and answers of the defendant Mr. Dasch. I think it is necessary, or at least essential, that the Commission know the contents thereof in order properly to interpret and construe the questions and answers of Mr. Dasch.

The Attorney General. May it please the Commission, I object not for any technical reason, as the Commission will take notice. I have agreed that the letter was in the envelope

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It has been identified, and I think that he ought to offer it as part of his case. He is trying to make me offer as part of the prosecution's evidence a letter--a self-serving letter--signed by Dasch. I have never before heard of any defendants offering any evidence during the prosecution's case.

It is not, as I say, that I have any objection at this time to the technical proof of the letter; I brush that aside. It is a self-serving letter by Dasch which I think is not relevant. I do not think a man can prove his case by what he writes. However, my main objection is that it is inappropriate for Colonel Ristine to put in his defense at this time. I think the appropriate thing to do would be to do it when the time comes as part of his defense for Mr. Dasch.

Of course, it is irrelevant, because I cannot see how a self-serving letter of Dasch's would prove his case. But I am not now coming to that objection; I am coming to the objection that I do not think it is really proper for counsel to put in his case now. He is actually making an offer of his evidence during my case.

The President. As I understand it, the letter has heretofore been referred to as an exhibit and was numbered.

The Attorney General. It has never been offered; it has simply been marked for the purpose of identification. It has been numbered so that we would know what we were talking about when we referred to the letter.

The President. It has been acknowledged by this witness that it was found in the room of Burger in the Hotel Governor Clinton at the time they arrested him?

The Attorney General. Yes, sir.

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A Member. I believe not in the room, but it was given to the witness by the clerk of the hotel.

Colonel Ristine. That is correct.

The Attorney General. Yes, given to the witness by the clerk of the hotel.

Colonel Ristine. May I make this observation: Here is a letter written by Mr. Dasch. It was written at a time when he was only in protective custody, and it was mailed in the United States mails to Mr. Burger. It was obviously taken into the possession of the F.B.I. because they believed its contents would throw light upon whether Dasch had made true and correct statements in his voluntary appearance before the F.B.I., since it is a letter he wrote to one of the group he came over with. Obviously that is the reason why it was seized by the F.B.I.

I think I would have difficulty in just entirely agreeing with the lawfulness of the seizure of a letter written by Mr. Dasch at a time when he was only in protective custody, but that is immaterial, and I do not care to press or argue a point of that kind.

It was seized by the F.B.I. because they thought--and I agree--that it would probably portray the intentions of the writer thereof, Mr. Dasch.

In order that this Commission might have all the facts surrounding the alleged admissions of the defendant Dasch which he made voluntarily to the Bureau, it seems to me, in view of the fact that the F.B.I. seized this letter for that purpose, that this Commission should now be informed of its contents in order that there may be removed any danger on the part of the Commission of misconstruing the other statements which are

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already in evidence, and I see no reason why it should not be read to the Commission in connection with the cross-examination of the witness who identifies the document.

It is certainly always the privilege of a tribunal trying a case to listen to any facts in whatever order it sees fit to listen to them. I admit that if you say this is testimony for the defense, technically you could say, "We will not listen to that now, but we will listen to it later." On the other hand, it seems to me the better practice, since this throws light on what has already been before the Commission, and you could probably better understand that which has heretofore been introduced, would be for you to have the benefit of this simultaneously.

The statement has just been made that when we finish with these witnesses, the prosecution will move into the case of the group which had to do with the Florida landing. I believe it would be better if you could have these surrounding circumstances that relate to Dasch's statement at the same time you have the benefit of the Dasch statement. That is the reason why we offer it at this time as part of the cross-examination.

The Attorney General. I am not sure if I made this perfectly clear. When the time comes, I do not mind its being offered; but I do not think I should be asked to introduce their case as part of mine. Let us see where it leads.

Suppose Dasch sat down in jail last night and wrote a 25-page statement saying that from the beginning he was perfectly innocent, had never intended to do anything, had never meant any harm by this, and had talked to a dozen men in Germany saying that he did not mean to do anything. Then

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suppose counsel brought that in to us. That would be a self-serving statement of Dasch's. It would not even be admissible in Dasch's own case.

Now they ask me to put in as part of my case--my case being to show that Dasch was guilty of certain things--a self-serving statement of Dasch's simply stating that he is not guilty.

When you have it in that light, it becomes apparent how extraordinarily irrelevant the letter is, aside from the fact that that irrelevancy must be put in as part of my case. I am trying to prove guilt. Now counsel wishes to insist that a hearsay statement about innocence be made a part of the proof of guilt. I think that, looked at in that light, the Commission will readily see how irrelevant this is.

Colonel Ristine. May I make the following observation: This letter was seized obviously in the hope that it might disclose something detrimental to the writer thereof, and if it had so shown, there is no doubt that it would have been introduced in evidence.

The defendant Dasch voluntarily appeared and gave to the Department all the information, and at that time he wrote a letter--he wrote two letters, as a matter of fact, this being the first of two. Each of those letters came into the possession of the F.B.I.

Let us get the true picture. Dasch was only in protective custody, with no charges pending against him. He was cooperating with the F.B.I. to divulge everything he knew about this thing. According to the records already put in, he was the first man who was taken into protective custody.

It seems to me very unfair for the Government to take

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that which was said by this man under those circumstances, which the Government thinks is detrimental, and at the same time say, "We will not listen to anything which was said which is not detrimental."

In other words, in order to be fair, we must take all of it. It seems to me to be so interconnected with all the questions, answers, and statements that Dasch made that in order that this Commission may put a proper interpretation upon the intentions of Dasch, it is necessary that the Commission know the contents of that letter. I just feel that at this time in connection with the cross-examination the Commission--

The President. (Interposing) Are you making a motion to have this put in evidence?

Colonel Ristine. I have offered it in evidence, if the Commission please, in connection with the cross-examination of this witness and as part and parcel of the general questions, answers, and information that was volunteered by Mr. Dasch.

(The Judge Advocate General rose.)

The President. General Cramer.

The Judge Advocate General. Since the question of fairness has been brought up, I want to say this to the Commission: that along with the Attorney General I agree that we are putting in our case now. Our duty as trial judge advocates, as is stated in the Manual, is not to suppress any evidence. We have not suppressed evidence; we have furnished it to the defendants. They have the perfect right when their time comes to put on this evidence in their defense the same as they have the right to put on the defendants or anybody else they wish in their defense. To follow out logically the argument of

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counsel, he could now insist on putting on his witnesses and evidence before we go into the other side of our case. That is not the situation at all. The question whether or not this is admissible is a question to be decided when they put in their evidence. It is not a question of merit; it is a question of procedure.

Colonel Ristine. If the Commission please, I want to make it perfectly clear that I was not intending to impugn any unfairness on the part of the prosecution. My thought was only to express to this Commission that in fairness to the Commission, who will have to decide what the purport of these statements of Dasch really was, the Commission should now have in connection with those statements the benefit of the letters that were written by Dasch during the time that the statements were being made. I say in all fairness that the Commission should have the benefit of this in order properly to deal with the defendant Dasch and with what his intentions may have been.

(Colonel Dowell rose.)

The President. Colonel Dowell.

Colonel Dowell. Speaking for and in behalf of the defendant Burger, I wish to make this observation: that it is not my understanding that this Commission is bound by any such inexorable rule as was advanced by the prosecution. The Commission may call for this itself if it so desires, at any time it so desires, and it seems to me to be perfectly proper that this paper should not be delayed until a later time, when it may very properly and appropriately be introduced at this time.

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The President. The Commission will close. We shall take this opportunity to have a short recess, also; say until eleven-thirty.

(At this time the Commission was closed, and a short recess was taken. When the Commission reopened, the following occurred:)

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The President. The Commission is open.

The Commission takes cognizance of this letter as having been identified for reference purposes and rules that it should not be offered by the defendants at this time.

Colonel Ristine. If the Commission please, it is agreed by the prosecution that the letters and envelopes marked Defendants' B-1, B-2, B-3 and B-4, and the exhibits marked Defendants' C-1 and C-2 are letters written by the defendant Dasch.

We will have no further cross-examination.

The President. I think it is important to make sure that these are offered either as exhibits or as having been identified for reference. So, if you will convince yourselves of that, I will be glad to give you time to do that. There should be no dispute in the sense of whether they are identified as exhibits for reference or whether they are considered in evidence.

Colonel Ristine. On page 475 and page 476 of the record we are dealing with Prosecution Exhibit P-87 which is a letter from Dasch to Burger and it was offered in evidence and is in evidence. In view of the fact that the first letter written by Dasch to Burger was, by the prosecution, offered in evidence, it seems that it would be appropriate at this time for the other two letters written by Dasch to Burger to be also offered in evidence as constituting the entire correspondence between Dasch and Burger, if the Commission would like to reconsider the ruling which it has announced in the light of this letter having heretofore been offered by the prosecution.

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Colonel Royall. May it please the Commission, I understand that your ruling has been that the defendant Dasch cannot at this time offer the second letter. Speaking on behalf of the defendant Burger and supplementing merely by reading the Manual the argument so ably made by Colonel Dowell, we now suggest to the Commission, in view of the fact that it appears that the first letter was offered by the prosecution, and that has been determined from the record, and in view of the fact that the second letter was written--and I believe I am quoting the evidence correctly--as a part of the same course of dealing between Dasch and Burger--as I say, I am suggesting to the Commission that of its own motion, without regard to whether either party had the strict right to offer it, it would have authority to put the second letter in in order to complete the picture. And I am suggesting that not as a matter of right, but as a matter of the course that the Commission could pursue. I am sure you are familiar with the provision of the Court-Martial Manual that the Commission is not obliged to concern itself with the evidence adduced by the parties, and that--

"Where such evidence appears to be insufficient for a proper determination, the court may and ordinarily should take appropriate action."

Of course that does not answer the argument that may be made by the prosecution that Dasch can later offer it. However, the fact that he can later offer it does not prevent the Commission of its own motion from putting it in evidence now. This is a long case, with many ramifications, and we are trying to leave, certainly for the time being, that portion

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which dealt with the Long Island landing; and it would seem to me conducive to clear understanding and to a more sensible procedure to have the second letter from Dasch to Burger in evidence, since it now appears that the prosecution has put the first of the series in.

The Judge Advocate General. Of course, if the Commission please, the Commission has discretion to do anything it pleases; there is no dispute about that. But it seems that in the matter of ordinary procedure and good procedure it should be left to the defense to put in when they put in the rest of their defense.

The President. If there is no objection on the part of any member the ruling heretofore made will continue to stand on this motion of the defense.

Colonel Ristine. We have no further questions of this witness.

Colonel Royall. The other defendants do not desire to cross-examine.

The President. Are there any questions by the Commission? (No response) There seem to be none. The witness is excused.

(The witness left the stand.)

The Attorney General. We will recall Mr. Wills.

Lieutenant Page. This witness has been sworn to secrecy.

Colonel Munson. You are reminded that you are still under oath.

NARVAL D. WILLS

was recalled as a witness for the prosecution and, having

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been previously duly sworn, testified further as follows:

The President. I believe Mr. Wills has been recalled for cross-examination by the defense.

Colonel Ristine. That is correct, sir.

CROSS EXAMINATION

Questions by Colonel Ristine:

Q I wish you would look at page 129 of Defendants' Exhibit A and see if the last question on that page and the answer contained on page 130 was asked and answered in your presence by Mr. Dasch.

A The first paragraph on page 130?

Q That is correct.

A I recall the substance of that reply made by Dasch, but whether Traynor was in the room or not at that time I do not have any recollection.

Q I did not ask you whether Traynor was in the room or not. I asked you whether that question was asked and that answer given while you were present.

A The substance of it. Whether it was word for word, I do not recall.

Colonel Ristine. I desire to read that question and answer, if the Commission please.

Colonel Royall. The defendant Burger does not object.

Colonel Ristine (reading):

"Q (by Johnston) When did he first tell you about himself?

"A He said five or six words once, one sentence he said, in which I see the whole other part of this boy. Namely, in Quentz on the first Saturday we were in

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Quentz at the school, after I had known him four days. When we walked over to the restaurant, he said, 'Those dirty bastards certainly beat me up bad and I like to ----.' 'Keep your trap shut,' I said. I didn't even let him finish that sentence. I said, 'Pete, do me one favor. The time will come and the place will come when I shall ask you to reopen what you just had on your mind. Now don't say nothing.' I reasoned at that time, any boy who spent 17 months in a concentration camp and was given a chance to participate in this undertaking for the purpose of making good again, that boy had only one chance and choice, either to take part in it or you die. Understand? It doesn't take very much reasoning to come to that conclusion."

Question by Colonel Ristine:

Q I hand you page 22 of Defense Exhibit A and ask you to state if you were present when the statements that are contained on that page were made by Mr. Dasch?

Colonel Royall. If the Commission please, all of the other defendants object to this testimony.

The President. Including Burger?

Colonel Royall. Yes, sir.

Colonel Ristine. I merely asked the question if he was present.

The Witness. At the time this statement was made I was not present.

Colonel Ristine. If the Commission please, in order that there be no misunderstanding about the position of the defendant Dasch, we now offer in evidence the entire document

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marked Defense Exhibit A which contains a stenographic transcript of the statements made by Dasch and all of the questions asked and the answers given by him from June 19, 1942, to and including, I believe, June 25, 1942, at which time Mr. Dasch signed each page thereof and the certificate, so to speak, which is attached. The document, I believe, contains, in all, 254 pages, without including in that numbering the certificate which is in the opening part.

This is offered because the Court-Martial Manual states that if the prosecution only elects to go into a part of what is said, the defense may offer the entire document itself. I do not offer it with any desire to read it, but merely that it may be in the record, so that this Commission or anybody else who cares to read this record will have the entire story of the defendant Dasch.

The Attorney General. If the Commission please, I object. I take it that the Commission does not wish me to argue the point, since you have already ruled that the defense should put in their evidence when the time comes. I do not think I need to labor the case. Of course you have complete latitude to do anything you want; I do not dispute that for a moment. But it would seem to me that your ruling on the matter would cover this. I hardly think I could add anything more to what I have said for that reason.

Colonel Ristine. I suggest, if the Commission please, it is my understanding that this document, or any part that we saw fit to read in evidence, is competent at this time; and in line with the ruling, we have called attention to and read various parts of the document in evidence, which we

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thought was necessary and essential for a proper understanding of those parts that the prosecution went into. Now, in order that we may be perfectly fair with the Commission, and because we may have failed to read certain parts that we should have read, and because it is the law that if the prosecution goes into a part of a written, signed statement, which they denominate a confession, we may bring it all out in cross-examination or otherwise, we are now offering it all in evidence. We feel that under the authority of the Manual of Courts-Martial we are not offering it as part of our case, because we have not reached our case. We are offering it as being the complete confession, only a part of which the prosecution went into; and it was only by virtue of the manner in which they went into it in part that they themselves were not compelled to put the entire document in.

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Now, we offer the entire document in connection with our cross-examination of the witnesses who identified the document and who gave testimony as to only parts of the statements made by Dasch in the course of the direct examination on the part of the prosecution.

The Judge Advocate General. May it please the Commission.

The President. The Judge Advocate General.

The Judge Advocate General. The prosecution, as I recall it, never referred to that document at all. The testimony was given by the witness on the stand as to his conversation with this defendant and the defense counsel were allowed to use that statement for the purposes of cross-examination. As far as the principle is concerned, it seems to me that the ruling of the Commission applies to this just as well as the other.

The President. Mr. Attorney General, is it your remembrance that this has not been used by the prosecution, as was stated by the defense?

The Attorney General. My recollection is just what the Judge Advocate General said, and that is this: that this and other witnesses were called and asked by the prosecution what the defendants said to them and then objection was made to that because this confession had not been offered. Then the Commission ruled that our witnesses who had been called to testify with respect to statements made by Dasch would be cross-examined by counsel for the defendants using this confession to cross-examine him. We have never, I think I am correct in saying--the Judge Advocate General has said it already--we have never offered any part of the statement and we simply say it seems to us appropriate that the defendant

should offer this evidence when he is putting in his case.

I think that is the situation.

The President. That was my remembrance, Colonel Ristine, of the previous action of the prosecution with reference to this document in question.

Colonel Ristine. May it please the Commission, under the present rules of the Commission I would be entitled to read every question, every statement, and every answer in that document and thereby get the entire document before the Commission. The only thing I would be required to do, under the previous rulings, would be to get one of the agents who was personally present when the various statements in that document were made to state that he was present when the statement was made.

Now, I have no desire to take up the Commission's time in order to do that. I have no desire to do that. It would take several days' time to do it. However, one of the agents while on the witness stand testified, in identifying this document, that it contained a stenographic transcription of all of the statements and questions and answers covering those five or six days that were made and asked the defendant Dasch.

It is true the prosecution did not refer to this confession or offer it in evidence, but the questions they asked their witnesses related to the isolated parts contained in this document. There was not but one interrogation of Dasch during that period of time. And the testimony they gave orally from the stand is contained, in my opinion, more accurately in this document. Certainly it is all contained in the document, because there is no showing here that there

were separate questions and answers, one for this confession and another one that they testified to orally.

So that in line with the Courts-Martial Manual--I believe that number was page 115--here are the rules that are promulgated against the prosecution in the use of confessions.

"Rules.- The following rules limit the use of an accused's confessions, oral or written, made out of court."

That is a rule that is made against the prosecution. Then immediately following that statement is:

"Evidence of a confession or supposed confession cannot be restricted to evidence of only a part thereof."

Cannot be restricted.

Now, when the prosecution elected to go into a part of the statements made by Dasch in his confession but did not offer the signed written confession that was transcribed by the stenographer, they violated that rule. I will read it again:

"Evidence of a confession or supposed confession cannot be restricted to only a part thereof."

Now, the next sentence covers, I think, the situation, if and provided there is an attempt to do that. I will read that:

"Where a part only is shown, the defense by cross-examination or otherwise"--

And I take it when I offer this document which has been identified that I am pursuing that course "or otherwise."

"--may show the remainder so that the full and actual meaning of the confession or supposed confession may appear."

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I am now following the "or otherwise", rather than putting two or three agents on the stand who were present, telling them to look at various pages and after identifying the pages reading the pages into the record.

I feel that it is the only proper way to deal with the situation, in view of the course pursued by the prosecution.

The Judge Advocate General. May it please the Commission, "by cross-examination or otherwise" means he may bring it out by cross-examination or otherwise as a part of his defense. That is what that means.

Colonel Ristine. I do not like to be tedious, if the Commission please--

The President. We would like to have it fully presented.

Colonel Ristine. This is the rule, a rule that is promulgated against the side that is attempting to use a confession and the rule is written because of the dangers involved.

The President. My remembrance was, though--and I will state it to you--that the prosecution had not attempted to use this confession, that it was the defense that used it.

Colonel Ristine. If the Commission please, how can you make a distinction between the transcribed record of questions and answers and statements of Dasch made over a period of five days, which is in written form, and a witness taking the stand who was present when those statements were made by Dasch and giving his mental recollection of what Dasch said?

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The President. The Commission is not making that distinction which you mention.

Colonel Ristine. My thought is this, Mr. President: Just as soon as they asked the witness "What did Mr. Dasch say?" and the witness made a statement that Dasch said, he thereby gave testimony of matters contained in Defendant's Exhibit A, and unless he went further and testified to every statement that is contained in Defendant's Exhibit A he violated this rule which says they shall not be permitted to give only a part.

"Evidence of a confession or supposed confession cannot be restricted to evidence of only a part thereof."

Now, he violated that rule.

And, if the Commission please, why do we have such a rule? We all realize that the mind is a tricky institution. We all recognize that if we listen to testimony unfavorable to a person in the process of a long trial we may formulate some fixed opinion about the matter, and, if we do, then a week later, when we hear some other testimony that was related to the same subject matter but not unfavorable, it requires at that time greater proof to remove that consciously or unconsciously formed opinion than it would if it all came in at the same time. That is the reason for the rule and that is the reason the suggestion of the Judge Advocate General could not be correct, namely, that we offer it as a part of our evidence. We do not offer it at all.

Suppose the prosecution had not asked any questions at all. Suppose they had not asked any questions at all about the statements made by the defendant, and then as a part of our

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case we had said, "Here is a written document containing questions and answers. We offer it in evidence." The prosecution would immediately get up and say, "If the Commission please, we object. We object. No witness can put in his evidence in that form. If he wants those facts in evidence let him take the stand, testify, and submit himself to cross-examination with respect to those matters."

That is what would happen to this document if I offered it as a part of my defense and not related to the fact that they had previously offered part of it by their own testimony.

Now, when they offer part of it--and when I say part of it I do not mean that they read from it, because they did not, but they offered testimony respecting the same answers and statements made by Dasch that are contained in that statement, but they only went into a small part of it, and we say that when they fail to go into the whole of it then we are entitled to go into the rest.

Let us see if there is anything here about our offering it as a part of our case.

"Where a part only is shown, the defense by cross-examination or otherwise may show the remainder so that the full and actual meaning of the confession or supposed confession may appear."

Why, if we were obliged to wait until the defense put on its testimony in order to put in the rest of the confession, we could not have any full or proper meaning involved there, because of my previous remarks, that the Commission or Court may have formed an opinion, a definite opinion from the part that was

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offered before we had an opportunity, if we wait until the defense to put in the rest. And that is not the rule. The rule is that it should all be taken together at one time, in order that a proper evaluation and a proper interpretation may be placed upon it.

The President. Any further remarks on the part of either side? In considering this point, it being so near the time for the mid-day recess, the Commission will close until 1:30, covering the mid-day recess, if there is no objection on either side.

Colonel Ristine. No.

The Attorney General. None at all.

The President. The Commission is closed.

(At 12:17 o'clock p.m., a recess was taken until 1:30 o'clock p.m. of the same day.)

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A F T E R R E C E S S

(The Commission reconvened at 2:25 o'clock p. m., upon the expiration of the recess.)

The President. The Commission is open.

Colonel Munson. The personnel of the Commission, of the prosecution except Mr. Rowe, and of the defense except Captain Hummell, the eight accused, and the reporters are all present.

The President. Is there anything further to be said on the part of either side? If there is no objection on the part of any member of the Commission, I will first ask the question, Do I understand that this is a signed confession?

Colonel Histine. Yes, sir. Each page is signed, and the document as a whole is signed. It is in every respect a signed confession.

The President. The ruling is that the confession will be introduced at this time in connection with the cross-examination.

The Attorney General. I am not quite clear as to how to proceed under the ruling of the Court. Is this exhibit of 25 1/2 pages now introduced as a part of the record? The difficulties, I might explain, which I have in mind would then be whether or not this should now be read in toto. Colonel Royall tells me he has not had an opportunity to read it yet. I just want to be instructed on some of those things which will arise. Or was the ruling that this would be introduced for purposes of cross-examination? I was not totally clear in my mind about that.

The President. What do you understand the difference in those rulings to be?

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The Attorney General. The difference in the rulings was that heretofore you have permitted the document to be used for cross-examination. I thought conceivably you might wish to make it a part of the record for that purpose. As I have said right along, of course, I have no objection to counsel's taking any portion of it and reading it or asking the witness about it; but we are not very clear. Are you, Colonel Royall?

Colonel Royall. I thought that the Commission meant that it was introduced in evidence and was a part of the record.

A Member. Could we have the ruling read?

The President. Mr. Reporter, will you please read the ruling?

The Reporter (reading):

"The President. The ruling is that the confession will be introduced at this time in connection with the cross-examination."

The President. What I asked the Attorney General, in reply to his question as to what I meant, was what distinction he sees between the way I put it and just failing to sustain his objection. What effect would it have in the procedure?

The Attorney General. I am not quite clear about the phrase "in connection with the cross-examination." What does that mean? I am not sure what that means.

The President. That is just the point I was asking you about--if it did mean a difference to you from a direct ruling that your objection was not sustained.

The Attorney General. I do not really know; I would not have a conclusion.

A Member. Could we have read by the reporter the purpose for which this was introduced by the defense counsel?

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The President. I first wanted to get all the facts.

The Attorney General. With due deference, I think counsel for the defendant offered it as part of the record. Am I correct?

Colonel Ristine. That is correct.

A Member. I should like to have read the purpose for which he offered it.

The President. Just pardon me a moment until we get a little further along with this thing.

Colonel Royall states that he has not read it, and he has heretofore, when any evidence was submitted, made certain stipulations and certain objections. I was just wondering, since he in his discussion before the Commission was closed was, I take it, arguing completely along the line of Colonel Ristine, whether he agreed with him. Do I understand that?

Colonel Royall. No, sir; we were not offering it. I do not recall what we said about it, because our position is just this: We were furnished by the prosecution statements and confessions signed by the other defendants. I believe there was an inadvertent omission to give us one or two copies of statements, but we were not furnished with a copy of the Dasch examination. We were told that since it did not concern our defendants, we were not entitled to a copy of it. If it were introduced, we would have to object, because we do not know what is in it.

The President. That is the reason why I was somewhat concerned and made a very careful ruling to bring out what you meant, because you held forth very decidedly here in argument with Colonel Ristine and Colonel Dowell as though there was complete concurrence of the defense side in this matter. I now

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understand that you wish to make certain reservations?

Colonel Royall. No, sir. Of course, my recollection in this long case is not very accurate, but I do not think that either Colonel Dowell or myself said anything to indicate that we wanted to waive our objection to this confession. I do not recall it.

Do you recall it, Mr. Attorney General?

The Attorney General. No, I do not think so. I think their objection would go to this admission and to all other admissions of Dasch.

Colonel Royall. If I left that impression, it was not my intention to do so. I think possibly the Commission may have in mind what I said about the letter written from Dasch to Burger. On that matter we were, for Burger, standing with Colonel Ristine, but it was not our intention to waive our objection to this.

The President. That is what I wanted to have made plain.

The Attorney General. First, I think we would like to have clarified the ruling as to whether it goes in as part of the record; then after that perhaps counsel could make some suggestions which might be approved by the Commission as to whether all of it or portions of it by agreement should be read.

The first question, it seems to me, is, Does it go into the record? The second question, subject to the Commission's approval, is, What portions of it should be read? because I think we will all agree that large portions of it are irrelevant and that all of us want to preserve the Commission's time and get to the relevant material.

The President. Will the reporter read the remarks of

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both sides on this point as they occurred just before lunch, so that the defense counsel may be sure of his memory?

The Reporter (reading):

"Colonel Histine. If the Commission please, in order that there be no misunderstanding about the position of the defendant Dasch, we now offer in evidence the entire document marked Defense Exhibit A which contains a stenographic transcript of the statements made by Dasch and all of the questions asked and the answers given by him from June 19, 1942, to and including, I believe, June 25, 1942, at which time Mr. Dasch signed each page thereof and the certificate, so to speak, which is attached. The document, I believe, contains, in all, 254 pages, without including in that numbering the certificate which is in the opening part.

"This is offered because the Court-Martial Manual states that if the prosecution only elects to go into a part of what is said, the defense may offer the entire document itself. I do not offer it with any desire to read it, but merely that it may be in the record, so that this Commission or anybody else who cares to read this record will have the entire story of the defendant Dasch.

"The Attorney General. If the Commission please, I object. I take it that the Commission does not wish me to argue the point, since you have already ruled that the defense should put in their evidence when the time comes. I do not think I need to labor the case. Of

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course you have complete latitude to do anything you want; I do not dispute that for a moment. But it would seem to me that your ruling on the matter would cover this. I hardly think I could add anything more to what I have said for that reason.

"Colonel Ristine. I suggest, if the Commission please, it is my understanding that this document, or any part that we saw fit to read in evidence, is competent at this time; and in line with the ruling, we have called attention to and read various parts of the document in evidence, which we thought was necessary and essential for a proper understanding of those parts that the prosecution went into. Now, in order that we may be perfectly fair with the Commission, and because we may have failed to read certain parts that we should have read, and because it is the law that if the prosecution goes into a part of a written, signed statement, which they denominate a confession, we may bring it all out in cross-examination or otherwise, we are now offering it all in evidence. We feel that under the authority of the Manual of Courts-Martial we are not offering it as part of our case, because we have not reached our case. We are offering it as being the complete confession, only a part of which the prosecution went into; and it was only by virtue of the manner in which they went into it in part that they themselves were not compelled to put the entire document in.

"Now, we offer the entire document in connection with our cross-examination of the witnesses who identified the document and who gave testimony as to only

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parts of the statements made by Dasch in the course of the direct examination on the part of the prosecution.

"The Judge Advocate General. May it please the Commission.

"The President. The Judge Advocate General.

"The Judge Advocate General. The prosecution, as I recall it, never referred to that document at all. The testimony was given by the witness on the stand as to his conversation with this defendant and the defense counsel were allowed to use that statement for the purposes of cross-examination. As far as the principle is concerned, it seems to me that the ruling of the Commission applies to this just as well as the other.

"The President. Mr. Attorney General, is it your remembrance that this has not been used by the prosecution, as was stated by the defense?

"The Attorney General. My recollection is just what the Judge Advocate General said, and that is this: that this and other witnesses were called and asked by the prosecution what the defendants said to them and then objection was made to that because this confession had not been offered. Then the Commission ruled that our witnesses who had been called to testify with respect to statements made by Dasch would be cross-examined by counsel for the defendants using this confession to cross-examine him. We have never, I think I am correct in saying--the Judge Advocate General has said it already--we have never offered any part of the statement and we simply say it seems to us appropriate that the

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defendant should offer this evidence when he is putting in his case.

"I think that is the situation.

"The President. That was my remembrance, Colonel Ristine, of the previous action of the prosecution with reference to this document in question.

"Colonel Ristine. May it please the Commission, under the present rules of the Commission I would be entitled to read every question, every statement, and every answer in that document and thereby get the entire document before the Commission. The only thing I would be required to do, under the previous rulings, would be to get one of the agents who was personally present when the various statements in that document were made to state that he was present when the statement was made.

"Now, I have no desire to take up the Commission's time in order to do that. I have no desire to do that. It would take several days' time to do it. However, one of the agents while on the witness stand testified, in identifying this document, that it contained a stenographic transcription of all of the statements and questions and answers covering those five or six days that were made and asked the defendant Dasch.

"It is true the prosecution did not refer to this confession or offer it in evidence, but the questions they asked their witnesses related to the isolated parts contained in this document. There was not but one interrogation of Dasch during that period of time.

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And the testimony they gave orally from the stand is contained, in my opinion, more accurately in this document. Certainly it is all contained in the document, because there is no showing here that there were separate questions and answers, one for this confession and another one that they testified to orally.

"So that in line with the Courts-Martial Manual-- I believe that number was page 115--here are the rules that are promulgated against the prosecution in the use of confessions.

"Rules.-- The following rules limit the use of an accused's confessions, oral or written, made out of court."

"That is a rule that is made against the prosecution.

"Then immediately following that statement is:

"Evidence of a confession or supposed confession cannot be restricted to evidence of only a part thereof."

"Cannot be restricted.

"Now, when the prosecution elected to go into a part of the statements made by Dasch in his confession but did not offer the signed written confession that was transcribed by the stenographer, they violated that rule. I will read it again:

"Evidence of a confession or supposed confession cannot be restricted to only a part thereof."

"Now, the next sentence covers, I think, the situation, if and provided there is an attempt to do that. I will read that:

"Where a part only is shown, the defense by cross-examination or otherwise"--

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"And I take it when I offer this document which has been identified that I am pursuing that course 'or otherwise.'

"I--may show the remainder so that the full and actual meaning of the confession or supposed confession may appear.'

"I am now following the 'or otherwise', rather than putting two or three agents on the stand who were present, telling them to look at various pages and after identifying the pages reading the pages into the record.

"I feel that it is the only proper way to deal with the situation, in view of the course pursued by the prosecution.

"The Judge Advocate General. May it please the Commission, 'by cross-examination or otherwise' means he may bring it out by cross-examination or otherwise as a part of his defense. That is what that means.

"Colonel Ristine. I do not like to be tedious, if the Commission please--

"The President. We would like to have it fully presented.

"Colonel Ristine. This is the rule, a rule that is promulgated against the side that is attempting to use a confession and the rule is written because of the dangers involved.

"The President. My remembrance was, though--and I will state it to you--that the prosecution had not attempted to use this confession, that it was the

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defense that used it.

"Colonel Ristine. If the Commission please, how can you make a distinction between the transcribed record of questions and answers and statements of Dasch made over a period of five days, which is in written form, and a witness taking the stand who was present when those statements were made by Dasch and giving his mental recollection of what Dasch said?

"The President. The Commission is not making that distinction which you mention.

"Colonel Ristine. My thought is this, Mr. President: Just as soon as they asked the witness 'What did Mr. Dasch say?' and the witness made a statement that Dasch said, he thereby gave testimony of matters contained in Defendant's Exhibit A, and unless he went further and testified to every statement that is contained in Defendant's Exhibit A he violated this rule which says they shall not be permitted to give only a part.

"'Evidence of a confession or supposed confession cannot be restricted to evidence of only a part thereof.'

"Now, he violated that rule.

"And, if the Commission please, why do we have such a rule? We all realize that the mind is a tricky institution. We all recognize that if we listen to testimony unfavorable to a person in the process of a long trial we may formulate some fixed opinion about the matter, and, if we do, then a week later, when we

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hear some other testimony that was related to the same subject matter but not unfavorable, it requires at that time greater proof to remove that consciously or unconsciously formed opinion than it would if it all came in at the same time. That is the reason for the rule and that is the reason the suggestion of the Judge Advocate General could not be correct, namely, that we offer it as a part of our evidence. We do not offer it at all.

"Suppose the prosecution had not asked any questions at all. Suppose they had not asked any questions at all about the statements made by the defendant, and then as a part of our case we had said, 'Here is a written document containing questions and answers. We offer it in evidence.' The prosecution would immediately get up and say, 'If the Commission please, we object. We object. No witness can put in his evidence in that form. If he wants those facts in evidence let him take the stand, testify, and submit himself to cross-examination with respect to those matters.'

"That is what would happen to this document if I offered it as a part of my defense and not related to the fact that they had previously offered part of it by their own testimony.

"Now, when they offer part of it--and when I say part of it I do not mean that they read from it, because they did not, but they offered testimony respecting the same answers and statements made by Dasch that are contained in that statement, but they only went into a

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small part of it, and we say that when they fail to go into the whole of it then we are entitled to go into the rest.

"Let us see if there is anything here about our offering it as a part of our case.

"Where a part only is shown, the defense by cross-examination or otherwise may show the remainder so that the full and actual meaning of the confession or supposed confession may appear."

"Why, if we were obliged to wait until the defense put on its testimony in order to put in the rest of the confession, we could not have any full or proper meaning involved there, because of my previous remarks, that the Commission or Court may have formed an opinion, a definite opinion from the part that was offered before we had an opportunity, if we wait until the defense to put in the rest. And that is not the rule. The rule is that it should all be taken together at one time, in order that a proper evaluation and a proper interpretation may be placed upon it.

"The President. Any further remarks on the part of either side? In considering this point, it being so near the time for the mid-day recess, the Commission will close until 1:30, covering the mid-day recess, if there is no objection on either side.

"Colonel Ristine. No."

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Colonel Royall. The stipulation now carries forward into the statements as they relate to any of the other defendants, the parts specifically in the record.

The President. If there is no objection on the part of any member present, the objection of the Attorney General is not sustained.

The Attorney General. I did not realize that I had made an objection, may it please the Commission. I was not just clear as to what the ruling of the Commission was.

The President. You had made an objection, I believe, before lunch, to this.

The Attorney General. Oh, yes. I am sorry. I did not understand.

(Statement of June 19, 1942, of Defendant Dasch, marked for identification as Defense Exhibit A, was received in evidence.)

Colonel Munson. The witness Wills is on the stand again, and he is warned that he is still under oath.

The Witness. Yes, sir.

NORVAL D. WILLS,

having been previously duly sworn, resumed the witness stand.

Colonel Ristine. May I inquire if it is the desire of the Commission that the entire document as a whole be read to the Commission?

The President. What is the comment of all concerned on that?

Colonel Ristine. If the Commission please, Mr. Dasch, my client, would like to have the statement as a whole read to the Commission in order that they may have everything that was said and every question and every answer may be collectively before you in order to interpret what transpired.

The President. Is there any comment on either side?

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The Judge Advocate General. May it please the Commission, I think it is my duty to advise the Commission to this effect, now that they have admitted this document into evidence, that they should become acquainted with the whole document. It has been the endeavor of the prosecution, because the statement contains so many extraneous matters that it would require probably two and a half days to read, to touch only on those parts material to this trial, and the defense counsel to be furnished a copy of it to examine and bring out those points that are material to this trial. But now that it has been introduced into evidence the Commission is responsible for information as to everything it contains; and unless that is brought to the Commission's attention there might be some things in it that were not brought to your attention and for which you would be responsible.

Colonel Royall. May I address a question to the Judge Advocate?

The President. Yes.

Colonel Royall. When you said that the defense had been furnished a copy, you referred to Colonel Ristine, and not to counsel for the other defendants?

The Judge Advocate General. That is correct.

The President. The Commission will take a recess until I can look at the portion of the record that is not yet here.

Mr. Reporter, will you send for the portion of the record that embodies the remarks of Colonel Royall and Colonel Dowell prior to this discussion?

(The Commission was then closed. When it reopened the following occurred:)

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The President. The Commission is open.

Colonel Ristine. If the Commission please, my client, Mr. Dasch, is placed in this position. The burden is upon him to introduce enough evidence to convince this Commission as to what his mental intentions were when he left Germany, or at least before he landed in the United States.

Now, in order to prove the man's mental condition, particularly when he came from a country where, if he expressed openly such intentions, it would probably have meant his prompt summary execution, it is a difficult matter to offer evidence to satisfy a reasonable man of what his intentions were. It is not difficult to offer evidence as to his intentions after he landed, because we can prove the physical facts as well as the statements he made after he landed: the fact that they did not dispose of the Coast Guard man when they landed, when they had about six as against one; the fact that he immediately got in touch with the F.B.I. in New York City; the fact that he debated on whether to call from that first little station where they got on the train; the fact that when he came to Washington he called not only the Army Intelligence, or Colonel Cramer, at least, in the Army, as directed by the Bureau of Information, but also communicated with the F.B.I. Those are physical facts and statements from which a court could draw a conclusion as to a man's mental intentions.

After he appeared before the F.B.I., if the Commission hears everything that transpired it should be helpful to the Commission in determining what his intentions were. To me it is self-evident that he thought he was aiding and assist-

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ing this country as against the ruling power of Germany. That is the burden which he must carry in this case; and while parts of what transpired before the F.B.I. may seem to be irrelevant, in that they do not directly bear upon these two groups, I think even those parts do have a bearing upon this defendant's mental attitude, his desires, his ideals and idealism, so that they will be helpful to the Commission in determining whether he had any intention when he left Germany of carrying out any sabotage as against the United States or whether he had a fixed determination then to do what he actually did after he landed. Now he requests that the entire document be read to the Commission; and I say to the Commission, Who am I to suggest to the contrary under those circumstances? I was appointed to represent Mr. Dasch. It is his freedom that is at stake, not mine. Therefore I communicate to you the request of Mr. Dasch; and I might say that when I offered the statement in toto I did not offer it at that time with a view to reading it or burdening this Commission with a reading of the entire document. As I recall it, I offered it in order that it might become a part of the record so that if we should discover other sections in the future which have not already been referred to and that should be referred to, we could do that and the other side could do likewise. But since then my client has requested that it be read in its entirety.

The Attorney General. May I just say one word. The question, which is obviously matter for the Commission's discretion, as to whether now this long document should be read aloud, prompts me to say that I prefer, and I suggest to the Commission that this be done, that I shall tonight furnish to

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Colonel Royall, so that he will have it for the other defendants, photostat copies of this long document. We have them. That then I be permitted to proceed with my case now, rather than to have it interrupted by the reading of a long piece of evidence which is not part of the prosecution's case; then at the appropriate time, when Mr. Dasch's case is put on by his counsel, that the request be renewed to read this statement orally in open court; Colonel Royall then having had copies and being then familiar with its contents, as well as the defendants.

I suggest this because, as a matter of substance, it is part of the defendants' case. It is a self-serving document which the defendant wrote, and I think it becomes appropriately a part of his case.

I am perfectly clear on the law that there is no obligation to have any exhibit read aloud; that that is in the discretion of the Commission. I am also perfectly clear that our obligation is to furnish copies to all the defendants in ample time so that they will know exactly what is on the record.

I merely suggest that as matter of orderly procedure and convenience to the prosecution that course be followed.

The President. Has the defense any remarks to make?

Colonel Royall. I merely desire to say that if this confession is not received against the other seven defendants we of course have no concern with it, and any method of procedure that the Commission may determine upon would be a matter for the Commission, after hearing from the Attorney General and Colonel Ristine. But if this confession is to

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be received against the other defendants, or if there is uncertainty as to whether it is to be received against the other defendants, we are entitled to be advised at once before other evidence is put on, because it might affect the future conduct of the case; and there is no way in the world of telling, without hearing it, whether it would or not. Neither we nor our clients have read one word of it or heard one word of it, except the portions that have already been read into the record, and we have no information except as gathered vaguely from remarks relative thereto as to what the statement contains. These defendants would be entitled to hear it.

Now I have a suggestion to make about it that is not seeking to beg or plead for a decision that the Commission does not want to make or is not ready to make. If the Commission will admit this confession only as it relates to the defendant Dasch, then that would save the situation so far as we are concerned; and it might be that counsel for both sides might agree that it be so limited, and if that were done, no other question would arise. But I am sure that the Commission must realize that what I say about having it read otherwise is reasonable. We did not offer it or urge it to be offered, but if it is to be considered or if it might be considered against our clients, we are entitled to hear it.

The President. Have you any remarks, Colonel Dowell?

Colonel Dowell. The suggestion has been made that copies of this confession by Dasch be furnished to defense counsel so that they may read the statement or confession out of court. As I understand the law, that would not cure the right of the defendants themselves to hear the evidence intro-

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duced against them or that may be against them, in view of the fact that there is a decision by the Commission pending which might cause it to be evidence against the remainder of the defendants. I think, as matter of law, they must hear it in open court.

The President. Is there any question in your mind, though, as to the order? The Attorney General, I believe, has asked to have it deferred so that he can proceed with his case.

Colonel Dowell. May it please the Commission, I think they should hear it when it is introduced. All the other confessions have been read at the time they were introduced. I think they should hear it in order to enable themselves and defense counsel to proceed with reference to continuing evidence based upon that document.

Colonel Royall. I might add this further thought, if the Commission please. It is the serious purpose of the defense counsel at the close of the prosecution's case to urge dismissal of certain of these charges and to urge the dismissal of all of them, certainly, as against one defendant. It would be impossible to make that argument with any degree of intelligence without knowing what is in the record; and to wait and read it afterwards would not meet that situation at all. That is a practical argument in addition to the legal right of the defendants to know what the evidence is as it is introduced. If it were excluded as to the other defendants it would solve it as far as this particular statement is concerned.

The Commission will close.

(The Commission was then closed. When it reopened the following occurred:)

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The President. The Commission is open.

The paper concerned, the so-called confession of the defendant Dasch, will now be read.

Colonel Ristine. May I request the witness to read it. He is one of the men who--

The Attorney General. We suggest quite respectfully that defense counsel should read this statement. This witness heard only a part of it. Do you think the witness ought to read it?

Colonel Ristine. I will read it, if you wish.

The President. It is a matter of having it read properly and expeditiously without delaying the Commission as to the mechanics of it. I thought you had probably considered that while we were considering it. I should think, as it is introduced by the defense, it should be read by the defense, and help be given Colonel Ristine in that respect. He can have various others help him read it.

Colonel Ristine. I will be very glad to do it.

The President. It is not a statement of the witness, of course. He is still under cross-examination.

The Attorney General. May we excuse the witness?

The President. No. The witness is still on the stand. This is yet the cross-examination, I take it. What do you understand as to the position of the witness now on the stand?

Colonel Ristine. My understanding would be, if the Commission please, that we would now read the entire document. I take it it would not be necessary for the witness to remain in the room while it is being read. This witness has previously stated that this is a transcribed record of the stenographic

notes that were taken at the time the statements were made and the questions were asked and answered.

The President. Will you ask him to that effect?

Colonel Ristine. I have previously asked him.

The President. Will you ask him again?

Colonel Ristine. I might read that from the record.

The President. Very well.

Colonel Ristine. To show that those questions were previously asked.

The President. Please do.

Colonel Ristine (reading): "Questions by Colonel Ristine:

"Mr. Willis, I hand you a 254-page document, on the front page of which is the date June 25, 1942, with the name of George John Dasch on that page, and I believe each page is signed by Mr. Dasch, and I wish you would tell us what that document is, if you know.

"Answer. This is a statement that was signed by defendant Dasch on June 25, 1942.

"Question. Is that a transcript record of the questions and answers and statements made between the investigators of the F. B. I. and Mr. Dasche on June 19 and the date it bears signature?

"Answer. As for June 19 to June 21, I cannot say as to that, but from June 21 until June 25, during the time that I was present, it appears to be a transcript of the statements made by the defendant Dasch.

"Question. Were you not furnished, when you first appeared, transcript copies of the preceding days, and are not the pages that appear in that document the same as

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the transcript copies that were furnished to you?

"Answer. Yes, sir, they are."

Now, we consider that that identifies the entire document.

The President. As I understand it, there were a number of investigators of the F.B.I. present during the progress of the preparation of this transcript, and certainly it is not feasible to have a rereading of this to every witness who is on the stand.

The Attorney General. The prosecution will now stipulate that that is Dasche's signed confession. We do not dispute it for a minute. It is only for our convenience in using the agents on other matters that we suggest it is not necessary to keep them here, having conceded the authenticity of the document from the first page to the last page. We prefer to use the agents for other matters, if we may.

The President. Is it agreeable to both sides to dispense with the presence of this witness during the reading of the confession?

Colonel Ristine. It is agreeable so far as my client is concerned.

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Colonel Royall. There is no objection to that method of procedure, provided, of course, it is definitely understood that our objection to the substance of the confession and its admissibility as against the other defendants is preserved.

The Attorney General. Certainly.

The President. The witness will be excused.

(The witness at this point withdrew.)

Colonel Ristine. May I proceed?

The President. Please.

(DEFENDANT'S EXHIBIT A)

Colonel Ristine (reading). "June 25, 1942

"I, George John Dasch, hereby certify that I have read the following statement consisting of 254 typewritten pages,"

The President (interposing). Colonel Ristine, you and your assistants who may be reading that may sit down.

Colonel Ristine. Thank you.

The President. I might suggest that Colonel Ristine have some help, to preserve himself as he conducts the case. I am not trying to put any obligation personally on anybody in connection with this reading. Possibly some of your assistants can help him.

Colonel Ristine. I am in this situation, if the Commission please. I was detailed to represent Mr. Dasch and the other counsel are representing the other seven defendants, so, strictly speaking, I have no assistants. I might prevail upon some of them to help me, however.

The President. Perhaps General Cox could have someone help you. I prefer not to use the reporters, because they can be used in connection with the preparation of the record. I should think that possibly if you will proceed, then General Cox will plan to have some relief shortly.

Colonel Royall. We will be delighted, if it please the Commission, to make available to Colonel Ristine any of our assistants that he desires.

The President. Yes.

Colonel Munson. May I suggest that Colonel Ristine sit in the witness chair and face the defendants, so they can all

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hear him?

The President. Yes.

Colonel Ristine. I will start over. (Reading)

"June 25, 1942.

"I, George John Dasch, hereby certify that I have read the following statement consisting of 254 typewritten pages, and state that this is the material which I have dictated to Ellen E. Harrison, Rachel M. Bowman, Pauline Fogg, Lucretia McDowell, Wilma Carney, and Donald Oden, during the days from June 19, 1942 to June 24, 1942, inclusive.

"I further state that all corrections appearing thereon in ink were made by me in my own handwriting.

"(Signed) George John Dasch

Witnesses:

Duane L. Traynor, Special Agent, F.B.I., Washington, D.C.

Norval D. Willis, Special Agent, F.B.I., N.Y.C.

Frank G. Johnstone, Special Agent, F.B.I., N.Y.C."

"June 19, 1942

"The following statement was dictated by me to Miss Ellen E. Harrison, Federal Bureau of Investigation, before Special Agent Duane L. Traynor:

"I, George John Dasch, was born in Speyer on the Rhine, Germany on February 7, 1903, son of John Dasch, a carpenter, the fifth child of a family of thirteen children. At the age of thirteen I entered a Catholic Convent to study for the priesthood. In 1917 I was drafted to do some emergency war work with the City Administration of my home town. At the end of 1917 I

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volunteered in the same capacity with the German Army, and on the 3rd of January I was sent to Northern France. I was assigned as a clerk with the 23rd Bavarian Ettappen Kommandtur at Marcheanne Vielle. My fifteenth birthday was spent at this place.

"Although I was educated to dislike the French people, it did not take me long to realize that they are human beings like me. We had at that town a large prisoners' camp where all the English prisoners which were taken on the front were billeted. I also had the opportunity to come in close contact with them and found that the English people also were human beings and not enemies, that they died for their country, and that they had fathers and mothers just like us. The very fact that I came in contact with one of my co-workers, Corporal Fensch, who was thirty-two years of age at that time and a student of the University of Munich, helped me to broaden my mind in regard to religious and social viewpoints.

"In November, 1918, the day after the Armistice, my outfit marched back into Germany where, on the 11th of December, I was discharged when reaching the left bank of the Rhine. I went home to my mother and found the last contingent of German soldiers in my home town as well as my mother's quarters. The following day, December 12, the French Army of Occupation marched into my home town. Since I was able to speak French, I was drafted by the City Administration as an interpreter. The first soldiers of the French Army I came in contact with were all fighting men who had seen the sorrows of war. The

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majority of them treated not only me but my poor countrymen in the best possible fashion, but in the spring of 1919, after these soldiers were relieved by younger troops who had never seen actual service in the war, the relation between the French Army of Occupation on one side and the German citizens of my home town became antagonistic. This gave me reasons to fight for the right of my fellow countrymen. The French were trying to put me in prison for my activities and I was forced to flee. I went into the unoccupied zone in Germany. Since I did not have any papers or a profession, I took any possible job I could get.

"In 1920 I entered the Catholic Convent of the Sacred Heart at Dusseldorf to continue my education. My mother, Frances Dasch, had been duly elected to the City Council of Speyer on the Rhine on the Social Democratic Ticket. She has always been my teacher, giving me my basic socialist ideas.

"In 1921 I was able to go into Holland and tried to board an outgoing steamer from Rotterdam. Since I did not have any papers or experience as a seaman, I was unable to find work so I returned to Germany and went to Hamburg. I again tried to board a steamer there, but was unsuccessful. I did not have any money or a job so I returned to the Rhur District and worked at various jobs such as painting and work in coal mines. At that time my sister, Anne, was employed in Switzerland. I wrote her a letter explaining my situation, whereafter she sent me fifty francs. I went back to Hamburg and again

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tried to get aboard a ship. I was unable to do so and in August, 1922, I was flat broke again. I was forced to sleep in the park. Early one morning as I walked down the waterfront I noticed a large group of workers assembling in front of a ferry. I had always hoped to be able to go into the free port of the harbor of Hamburg so I decided to be there the next morning in order to enter the harbor with those workers. I succeeded in doing so and got off at a pier with the majority of the workers. I had to hide at first in a baggage car because each worker went to his place of employment and I found myself pretty much alone, but after an hour or so work in general started and I thought it safe to leave my hiding place. I walked along the pier and looked at the different ships. One of those ships carried the American flag. It was the SS Schoharie of the Kerr Line. As I stood on the pier watching the people work, one boy, evidently a cook, threw something overboard. I spoke to him and begged him to get me employment for I was hungry. He could not understand me because I was unable to speak the English language correctly. He gave me signs to wait there, and thereafter another cook came and spoke to me in my own language. I told him my story that I was hungry and wanted to work. He told me to stay there until he came off the boat. When he finally reached me, he told me that there was a guard on board ship and the only way I could get on the ship was by acting drunk and saying nothing. I finally got aboard the ship. I washed dishes and received my first American

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meal which consisted of corned beef and cabbage. Due to the fact that the Filipino mess boys on that ship were on shore spending some of their money, they were in dire need of help so I fitted into the picture. The steward of the boat, a naturalized American of German descent, handed me a pass which gave me the right to enter the harbor at any time. At night I went on shore with some of the crew members. One of them was a young student from Philadelphia of German parentage. He told me all about America so I decided that I would do my best to be on board that ship when it left the harbor, which was supposed to be four or five days after I had succeeded in getting on board the ship.

"During my free time on the boat I investigated the ship thoroughly in order to find a hiding place. On the day of the departure of the ship all the people who did not belong to the crew had to leave the ship at four o'clock. The morning of that day I went into Hamburg to the little barroom where I had my belongings and wrote my mother a letter telling her that I was sailing to America. At four o'clock when everyone had to leave the boat, I bade goodbye to everyone, thanked them for their good deeds; however, did not leave the ship but went to my hiding place. The only paper I had in my possession at that time was my birth certificate. The boat left Hamburg at six o'clock at night and I fell asleep in my hiding place only to awaken when we were

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well out to sea. My hiding place was a store room in a middle deck which I could leave at free will so that I could find food when needed. I went out during the night and got my food at the crew's mess hall.

"After seventeen days of travelling, the ship landed at the Government Piers near Snyder Avenue in Philadelphia. I think it was on the 10th or 11th of October, 1922, for it was Columbus Day when I reached the city. I went to work for a German baker as a dishwasher, slept in the cellar, and was paid \$5.00. When I received my first pay I left and went to New York City by 'bumming' my way. In New York City I went to the German newspaper office to buy a newspaper. While reading this, a woman clerk approached me and asked me what I was doing so I told her I was looking for a job. She asked me if I had left a ship and I told her I had not but that I was 'broke.' She promised to give me a help wanted ad on the night before it was published. She sent me to an apartment hotel on 38th Street and Park Avenue. I went to work there for a caterer at a salary of \$50.00 a month. I worked along with the chef who gave me the opportunity to learn the essentials of cooking. During my three months employment on this job I learned a lot about restaurant business. Thereafter I went to work as a kitchen man with Hazle's Restaurant at 171st Street in New York City. I remained there for three months, working with the chef alone.

"My third job in this country was that of a fry cook at the Old Crow Restaurant, 26th and Broadway in

New York City. The chef of that restaurant took me as a third cook to the Hotel Beauregard in Sheepshead Bay, New York City, where I worked during the whole season.

"Ever since the day of my landing I had one thought in my mind and that was to try to rectify the regulation of the Immigration Law in this country. At the end of 1923 I had saved \$800.00. In October, 1923, I went to the Barge Office of New York City with the request that I be instructed as to how I could become a citizen of this country. They told me that I should take my first papers out. I had previously gone to the Old Post Office in New York City and taken out my first papers, so I advised them of this action. In order to make my story complete, I told them how I entered this country. They were at first very much surprised that I disclosed the facts which would cause me to be deported. I had in mind going back to Germany to go through the proper procedure to immigrate into this country legally, but the officers at the Barge Office thought otherwise. They asked me what I had been doing, whether I had any trouble with the police, and if I had saved any money. After I had proven that I had no trouble with the police and that I had saved \$800.00, they told me that I had the makeup of a good American citizen, and they therefore showed me another way. I had to go to the Customs House and pay \$8.16 head tax and have some pictures taken. Thereafter I was given an alien seaman identification card which was stamped on the back: 'Legally admitted to the United States and head tax paid.' The card was issued in the

name of George John Dasch. The officers also told me that I would have to make a trip to Europe on an American boat so that I would be in possession of a seaman's discharge papers. They sent me to a manager of the United American Line whom I contacted. I was successful in finding employment as a mess man on board the SS Montclay which sailed from New York in September or the first week in October, 1923, to Hamburg, Germany. I returned on the same boat four weeks later, arriving in the harbor of New York where I was discharged. During my stay in Germany, which was ten days, I went home and visited with my mother.

"After returning to this country I went to work as a soda fountain clerk with the 195 Broadway Corporation. This is a subsidiary of the American Telephone and Telegraph Company, 195 Broadway, New York City. I don't know the exact time I was employed there. In order to be able to learn the English language better, I decided to work as a waiter, and in 1924 started to work with the Gaertner Restaurant on 97th Street in New York City. Thereafter I worked in numerous restaurants and in small hotels in the City of New York.

"In 1926 I went to Florida and worked at the Floridan Hotel at Miami Beach. In the spring of 1927 I secured the proper immigration papers and sent the money to my sister, Clare Dasch. She came to this country on board the steamer Dresden of the North German Lloyd Line. I had to go to Hoboken to take her off the boat. The fact that my sister was a graduate nurse helped me

to secure a position for her as nurse at the Wycoff Heights Hospital in Ridgewood, New York.

"After I returned from Florida in 1927, I worked for a while as a waiter at the Stoneybrook Hotel until the end of July. I was always very much interested in getting out of the restaurant business. My main hobby was aviation. The Pfala Airplane Manufacturing Company was located in my home town in Germany. I went to Free-press (?), Long Island, and approached the Curtiss Airplane Manufacturing Company for a job which I was unable to get. I paid a visit to Mitchell Field which was close by, and there I saw the life of the American soldiers. I therefore decided to become a soldier of the United States. I enlisted as a private at New York City some time in August, 1927, with the United States Air Corps.

"At first I was sent to Fort Slocum to receive basic training while waiting for a transport to be sent to Honolulu. I sailed in September, 1927 on board the transport Chateau Thierry from Brooklyn via the Panama Canal to Fort McDowell, San Francisco. Thereafter we sailed to Honolulu. I was assigned to the Fifth Composite Group of Luke Field, Honolulu, T. H., and I served with the 72nd Bombardment Squadron under the command of Captain_____. I served with this outfit one year, one month and ten days to be exact. My reason of discharge was that of purchase. I received an honorable discharge; character, excellent. The reason I decided to buy out of the Army was that I felt I could not advance in aviation generally.

"When I was discharged from Fort McDowell I did not have any money. I went back and became a waiter again. At first I worked at the Whitcomb Hotel in San Francisco at 8th and Market Street. Thereafter I worked as a night manager at the Cluny Hotel in Sacramento, California. This hotel is located at 8th and K Streets in Sacramento. During my stay in Sacramento, I went to a local airport and received flying lessons for which I paid. After a period of four months I reached the conclusion that it would cost a lot of money to learn to fly and to secure the necessary 250 flying hours for a transport pilot license, so I gave up this idea and went to Los Angeles where I was employed during the spring at the Biltmore Hotel. I remained there for a few months and returned East to New York City.

"I joined the Army with the belief that by doing so I would automatically become a citizen of the United States. After I found out that I was in error, I went to the District Court in Honolulu to apply for my final citizenship papers. There I was told that I would have to prove residence for a period of two years. I undertook the same procedure again in the State of California.

"In 1928 I went back to New York where I had the pleasure of meeting two of my younger sisters who were brought into this country by my older sister, Clare Dasch. My sisters whom I met were Johanna Dasch and Lena Dasch. Both were employed at that time with the Horn and Hardart Cafeteria. After my return to New York I was employed as a waiter at various places.

"In March, 1930, I sailed with my older sister, Clare Dasch, on board the North German Lloyd steamer Dresden to Germany on a re-entry permit. I remained in Germany for about two months and re-entered the United States via New York.

"On the 18th day of September, 1930, I married Rosemarie Guilli at the City Hall in New York City. My wife, Rosemarie Guilli was born in Walston, Pennsylvania. She claimed that her parents as well as a brother and sister were dead.

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"In November, 1930, I sailed on the North German Lloyd steamer Columbus with my wife to Charbourg, France, from where I went home again to my mother. We travelled all through France, Switzerland, Italy, Austria and Germany. We returned to this country in March, 1931. My wife's profession is that of a hair-dresser. I secured employment for us both at the Greenbrier Hotel in White Sulphur Springs, my wife as a beautician and I as a waiter. We remained there three or four months. Thereafter we went back to New York where my wife found employment in her trade and I went to work as a waiter at the Glen Island Casino, New Rochelle, New York. The next year I resided with my wife in New York City at 119 West 83th Street.

"In 1932, or 1933, I went out to Chicago and found employment through a friend of mine with the Mission of Our Lady of Mercy, 1160 Jackson Boulevard, Chicago, Illinois. I became a route salesman, selling sanctuary supplies for this Mission to all Catholic churches and institutions in the three dioceses of Belleville, Peoria and Springfield, Illinois. A few months later I was given the territory of Missouri. In order to be nearer the heart of my territory, I moved to Overland, Missouri, a suburban town outside of St. Louis. The fact that business had been very bad generally all over the country affected my business also. The man who had given me the job, Hubert H. Stolleis, who was the General Manager of the Mission, was discharged from

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his position. The new manager secured a new crew of salesmen. I was requested by Monsignor Quille, who was the Spiritual Head of the Mission, to go back to my territory and continue my work. The new manager found ways and means to bring my work to an end. I decided to go back to New York with my wife.

"I went back to New York in 1933 and worked in various hotels, among them being Hotel New Yorker and the Biltmore. I again worked during the summer at the Glen Island Casino and also Eddie Doran's. In the winter of 1934 and 1935 I went to Florida with my wife where I worked at the Hollywood Country Club in Hollywood, Florida.

"After my return to New York I went to White Plains, New York where I worked in various places, among them being the Hartsdale Country Club in Hartsdale, New York. In White Plains I helped to create a culinary workers group under the title of Westchester Waiters Club. We were forced to do that in order to secure employment while fighting competition out of New York. In 1938, I, as President of that club, was approached by a business agent of Local 168 of the Bartenders and Waiters International Union in Mt. Vernon. They saw in us a vital organization which was better established in that territory and better known than themselves. Since I always believed in the right of every worker to organize to protect his earnings, I agreed with the union representatives to open negotiations. After a few

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conferences, we agreed to merge, and I promised to present this matter to our membership. After the matter was explained to the members, the majority voted for the merger.

"When I came into the union and was introduced at the first general membership meeting, I was asked to take the floor, and there I advocated in my own way a union, the principles of which are founded on decency, and that I and my group of people would fight any graft and any actions which were not according to the law. I was voted into the Executive Board and at the same time went to the Labor College of the Amalgamated Clothing Workers of America Union to acquaint myself with the parliamentary procedures and the inside of union organization.

"Local 168 in Mt. Vernon, of which I have been a member, was to my sincere belief in the hands of a bunch of chiselers and Communists. I made this an issue at every meeting and fought them at every turn. I ran for office as Business Agent in the election of 1938. Due to the fact that the other side of the gang knew that nothing would stop my being elected, they had to use trickery to stop me. The way it was done was as follows: They got in touch with Michael Cariga, who is the President of the Second District of International Union in New York, and represented me to him as a pro-Nazi. After they investigated the whole setup of that union they decided to rob the general membership of its free right to vote.

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Michael Carigo came on the night of the general meeting and dissolved the union and at the same time reorganized the union under a new reorganization committee. I and my followers protested to no avail. At first the majority of the membership did not know how they were cheated. I and a group of loyal followers decided to make application in the District Court of the Eighth District in White Plains for the right to operate a union under the incorporation charter granted by this country. I was advised to take this step by Mr. William Scott II, Attorney at Law who lives in Elmsport, New York, but has his office in White Plains. Mr. Scott drew up an application for an incorporated title and introduced them into the proper channels. After a period of two or three weeks my lawyer received notice from the Board of Standard and Appeals requesting us to be present at a public hearing in front of a referee at the State Labor Board, City of New York. When we went there, we found not only the leading members of that union but also Mr. Cariga and Mr. Schwartz, who is the lawyer of the International Union, and also a number of other lawyers representing the International Union as well as the State Federation. The opposition, during this hearing, did not refrain from slandering not only me as a person but attacked the whole idea because they realized that this new way of legalized union was contrary to their way of doing business. They called upon the Little Wagner Act which was created to end labor strife. They reasoned that with the creation

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of a competitive union, labor strike would flare anew. To my sorrow, their reasoning was upheld by the Board of Standards and Appeals. My lawyer was notified by this Board that the title of incorporation requested by us under the name of the Westchester County Culinary Workers Union had to be denied for it was contrary to the principle of the existing Wagner Act.

"During the time I carried on this fight, I spent all my money.

"My mother, Frances Dasch, paid us a visit in June, 1939. She arrived in New York on board the North German Lloyd Steamer New York. At that time I was living near the 225th Street Station on the Bronxville Parkway, one block east of the Parkway. My mother stayed at the home of my sister, Johanna Nunn. I took my mother on a vacation during which time I had a good heart to heart talk with her.

"For the last fifteen years I have been opposed to the Nazi Movement in principle. In 1930, as well as in 1931, when I was in Europe I had ample opportunity to study that movement and to convince myself who were its followers. Its followers were the old militarists and super-nationalists who had brought my country into the war of 1914. I followed the rise of Hitler into power with special interest from this side of the Atlantic Ocean. When his party, in the elections of 1932, gained over a hundred representatives in the Reichstag, I to my sorrow knew that he would succeed. I based his success at that time on the

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very fact that the German people, after having given their confidence to various parties with all kinds of political beliefs, have not been able to bring the German masses out of the morass in which they found themselves. Hitler not only impressed upon the basic educated mind of the German people the theory of military might, but was clever enough to promise them a new era of social happiness. The very fact that the German people have suffered, and by suffering are politically educated, proved to be the success of Hitler's cause for he had not only a down and out people to work with, but also a people of political understanding. His job was to direct that political knowledge of the German people to his advantage, which he was very successful in doing.

"I discussed my political beliefs about Hitler while I was here with various people, among them my brother, Ernst Dasch, who resides today in Astoria, Long Island. In 1936 he went to Germany with his wife. On his return he praised the conditions of Germany, and in his own way gave credit to Hitler. My reasoning was contrary to his, though, and we had an argument. He threw me out of his house and asked me never to return until I had changed my opinion about Hitler.

"When my mother finally came to this country to pay us a visit, I had ample opportunity to get some real facts for I knew that my mother, who had been before the rise of Hitler active as a social worker with the Socialist Party, would have a thorough under-

standing of the real facts. To my surprise, my own mother even praised the work of Hitler. She told me that the workers and the farmers were protected under new laws and that living conditions in general had risen and that the country and the people in general were very happy. After my mother had told me all these facts which I had to believe because my mother told them to me, I took stock of my own way of reasoning. I said to myself that perhaps I had been wrong all along about Hitler; perhaps I had a prejudiced mind that had been closed to the truth.

"In 1938 I had a chance to study the tactics of the Bund in the City of New York. The husband of my cousin, Rheinhold Bart, who was at that time employed at the Long Island Railroad as a technician, was at the same time a leading member of the Bund. He approached me and tried to persuade me to become a member of the Bund for he reasoned that I could be valuable to them. I argued that I would have to investigate the organization before I reached a decision. I went to two or three different meetings, one of them at Madison Square Garden and the other one at the Westchester County Auditorium. During that time I had ample opportunity to study their tactics. I expressed myself to Rheinhold Bart in the following way:

"I reasoned that the whole Nazi setup was first contrary to the Constitution of the United States for it bred race hatred; second, it professed to be a

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political organization although the majority of its members were non-citizens of this country and as such did not have the right of political participation; third, indications were that it was under the control or direction of the Nazi regime in Germany. I argued at that time that this organization was destroying and undermining the splendid record the German immigrants, ever since the first one landed, have established in this country, and at the same time laying the basis for successful English propaganda.

"Before the creation of the Bund in this country we had numerous societies for German-American such as the Steuben Society, the Turner Bund and various others, but they were in fact Americans first. They were in most part benevolent organizations with also the purpose of 'keeping the home fires burning.' When the Bund was created, they forced those organizations either to join the new friends of Germany or dissolve.

"It was the intention of my mother to remain in this country for six months. At that time when I had been with her, she told me of the possibility of a non-aggression pact between Germany and Russia. I argued that such a thing was impossible for Hitler openly attacked Russia and Communism as his arch-enemy. When some time in August the news came over the radio that this non-aggression pact between Russia and Germany was signed, I told my mother about it. She became very excited and told us to get her papers ready and book her passage to return to Germany because, to use her words,

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'this means war.' To our sorrow she sailed on or about the 24th of August, 1939, on board the Hamburg American Line steamer New York. She arrived in Germany three days after the war. The boat was forced to take the most northern route along the Norwegian coast.

"During the time I had my fight with the union, I thought it was high time for me to take time out and become a citizen of this country, or to secure my final citizenship papers. I made my application for my final citizenship papers after I was able to prove the citizenship of my wife at the Federal Court on Washington Street in New York City. I passed all examinations, paid all fees, and was given a waiting number with the assurance that I would be called in September to the respective District Court to be sworn in as a citizen.

"When, on the 3rd of September, my country went into the war, I decided to let the application for citizenship slide for I reasoned that I was to be compared with a rat leaving the ship if, at the time of war, I would renounce the citizenship of my birth, because I was partly convinced by my mother that Hitler and Germany were on the right track. The fact that Germany was at war and that I was a German National made me decide to drop my fight in the union because the majority of my followers were not only Polish or English or French, but all nationalities, and I reasoned that being a German my right and chances to be a leader were diminished.

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"I worked in 1939 and 1940 in Westchester County at various country clubs and hotels.

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"The following was dictated by George John Dasch to Donald Oden, FBI, in the presence of Duane L. Traynor, Special Agent:

"During the year of 1939 and 1940, I was very anxious to find a way to go back to my home country and do my share in this war. I went to the German Consulate, 19 Battery Place, New York City, right after the outbreak of war and took all my papers, especially those in preparation for my final citizenship papers, and asked them what I should do to perform my duty as a German national. There I was advised to let the citizenship papers slide. I was in possession of a German passport which was issued to me by the same Consul in the fall of 1930 when I made my first trip to Europe. This passport expired in 1935. I made a request for a new passport. This was denied to me with the claim that this old passport was still valid. At that time I told him that I wished to go back to Europe. Then I was told in turn that old routes were closed. I told him that if a man wished to go, no route was closed. I also told him that I wished to go across on an Italian steamer as a stowaway. He merely laughed and did not issue me a passport.

"After months and months, I returned to the Consul with the same plea to be able to go back, but

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I always found deaf ears. They told me it was impossible; no one was going back. Why I wasn't able to go back I found out after I made the acquaintance of a woman employed at the Consulate who happened to be from near my home town. She explained that the reason I was unable to go back was because I was politically not sound in a Nazi way. That got my fighting Dutch up. I went to Washington to the German Embassy and stated my claim there. I was able to see Dr. Ritter, who, after prolonged cross examination, proposed that I go back to Germany at the expense of the German Government. He suggested that I return to New York and await further developments.

"I believe it was in December, 1940, when I received a notice from the German Consulate in New York to appear at their office. There I was requested to give them my life story - my political creed. This I had to falsify because I could not tell them the fact that only during the recent past had I happened to believe in their ideas. They also wanted to know about the nationality of my wife. Due to the Neutrality Act, it was impossible that my wife sail with me on an American passport to which she was entitled because of her American citizenship. So the officers of the German Consulate suggested that if I could prove by marriage certificate that we were legally married, which I was able to do, she would receive a German passport. This was arranged, and I believe both new passports were made out about the

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middle of January.

"My little wife took sick at that time, which at the beginning was diagnosed by the doctor as an infection in her uterus. During the months of January and February she was a very sick woman so I decided to change doctors and take her to a hospital. I took her to the Bronx Hospital where she was admitted about the middle of February, 1941. My wife remained under observation for over 10 days and finally she was operated on. Her sickness was very severe. Her left ovary had to be removed. The fact that she lost a lot of blood, which weakened her condition, created blood clots in her system and I were to take the doctor's words, she was a dying person. But luckily enough she had sufficient vitality physical strength, and through the application of the proper medicine, she got well. When I visited my wife on Friday the 21st, she was on the road to recovery. I told her at that time that she was to remain in the hospital for another week or so and that after that we would finish getting her German papers. By that I meant to get her a Spanish visa. The Spanish Consulate refused to issue the visa unless she called for it personally. I explained that this was impossible for she was sick. This delayed her departure from this country considerably.

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"When I got home to my sister's house at College Point that night, 21st of March, 1941, I found a telegram from the German Consul requesting me to appear at their office immediately. I got there on Saturday the 22nd at nine o'clock and waited until nine-thirty when the officers arrived. Then I was told that I could sail. When I asked when, he said, 'today, at 6:30.' I thought of my wife in the hospital and at the same time I also remembered the hell I had raised with the Consul for the chance of going home, so, therefore, I reached the quick decision to sail. I had to get my sailing permit, go over to the NYK line to get my ticket, and go to the Japanese Consulate, and that all before twelve o'clock. Thereafter, I sent telegrams to my sisters and brother to assemble over at College Point at my sister's house. I took the subway and bus there. When I arrived, I saw my little brother. I took a bath, packed two suitcases, for I was instructed by the German Consulate to take along exactly 70 pounds of weight because the Russian Railroad would not allow more personal belongings. My little brother took me over to 50th Street and I took a bus which left at 6:30 or 7:00 out of New York.

"After a five day trip by bus across the country, I arrived at San Francisco where I reported according to instructions from the New York German Consulate at the German Consulate in San Francisco. I went to a hotel which was located near Perry Street, the exact name of which I do not remember. When I got to this hotel, I noticed a lot of other young people. I recog-

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nised them in the way of appearance and carriage as Germans. The next morning I had to go to the NYK Line in San Francisco and went on board the Japanese Steamer 'Tatuta Maru.' This was on the morning of the 27th of March, 1941, from Pier 25. As I boarded the ship alone, I noticed that the movement of the Germans were being shadowed by officers of the FBI. When I got downstairs into my cabin to put my bags on my bunk, I was approached by a person who asked me in a short manner what my name was. I told him George John Dasch. He said to me, 'Let me see your passport,' which I showed him. Then he requested me to go on deck of the ship and I told him that any time he wished to see me I would be at his service. I did not go on deck ship but lingered around to observe in which way and manner the Agents of the FBI examined.

"When finally the boat went through the Golden Gate, I said goodbye not only to San Francisco, Saighties(?) (described as small town across bay from S. F.), and the Tamalpais Mountains, but also to a country with its people who had been kind, good, and understanding, but also on the other side, cold and rude to me. On the day of arrival in San Francisco, I had to go to the German Consulate where I was greeted by a gentleman by the name of Loeb. He greeted me in the typical Nazi manner and gave me instructions how to behave on the trip. He said I should be very careful, say nothing, and be very much on guard even among the German travelers because they were coming from all sections of the country and there-

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fore he stated there might even be an Agent of the FBI among them.

"When the ship got out on the high seas, after a day or so, I noticed that I was isolated by my fellow German travelers. I heard as I entered a cabin, 'Be quiet, here he comes.' 'Say,' I said to myself, 'By Christ, these guys think I'm the Agent.' When we finally reached Honolulu it was on the 1st of April. I went on shore by myself and spent a few hours. We remained there only a short time and I reflected on the memories of the happy days I had spent in Honolulu and got back on board ship just before sailing. Some of the Germans who ran around Honolulu in a group got back on board in a drunken state. A few of them came over to me and said, 'Why we are surprised that you are still here. We all thought you were an Agent.' That same night we counted the noses. We were 40 men in second and third class, and one man, wife, and a child in first class. That same night those little Germans who were so scared during the voyage from 'Frisco to Honolulu came into the room. They formed a Nazi organization right away and set down a program of entertainment and singing. I naturally joined them. Their speeches were made in typical Nazi manner and Nazi songs were sung, which naturally I couldn't follow because I didn't know the words. I made one mistake when they asked the audience to rise to greet the Fuhrer. When the word 'heil' and 'seig' were shouted, I happened to have my left hand in my pocket. For that I was reprimanded the following morning and brought to

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a trial. The trial board, which fixed it up themselves, decided that a report was to be made on my behavior when we arrived in Berlin. For truthfully it would have been a denial of my own self convictions if I had endorsed their way of reasoning. I believed and acted as a free man. This, to my sorrow, was contrary to their conviction. On the same night, I got a beautiful beating up.

"On the 11th day of April, we reached Yokohama. That same night we went to Tokyo where we were split up in two different hotels. One group stayed at the 'Taiti' and the other group at the 'Ysachima'. I belonged to the latter group. The next morning we all had to appear at the German Embassy in Tokyo where we received further instructions about securing our visas through Manchuria and Russia. I didn't have any trouble securing my visa through Manchuria, but the Russian Embassy in Tokyo refused to give us visas to go through Russia because the 1st of May was nearby and during this time no one is allowed to travel through Russia."

The President. How many pages have been read, please?
Brigadier General Cox. Thirteen, sir. I am starting with the 14th page.

The President. What are the indications of procedure under the conditions, Mr. Attorney General? Have you any wishes to express?

The Attorney General. I will conform to any procedure that the Commission and counsel desire, of course. Shall we run to 5 o'clock?

The President. We will proceed with the reading until

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5 o'clock.

(The reading of the statement of George John Dasch was resumed as follows:)

"On the 22nd day of April I left Tokyo with three other boys and went by train to Shimohoseki (city in lower end of Japan) where we took a ferry boat which brought us, after a night's travel, to Fusan on the Manchurian mainland. There we boarded a train which took us over Mukden to Tingsien. There I took another train to Harbin. As we came to Harbin, we found a great number of other German nationals in various hotels who had come from all centers of the Far East. Many of them were representatives of German firms and young fellows of military age who were sent back at the cost of the German Government.

"On or about the 2nd day of May, we left Harbin on a special train and arrived after a day and half's voyage at the Manchurian-Russian border. On the 5th day of May we crossed the Russian border at Manchuli and came to Otpor. After examination of our papers and luggage, we continued our voyage to Cheetah where we reached the junction of the Trans-Siberian Railroad, Moscow to Vladivostok. On the 11th day of May, we reached Moscow. Our papers were being taken care of by the German Embassy on one side and by the Russian Tourist Bureau on the other. When we reached Moscow, we were greeted by an officer of the German Embassy who made the following remark, which surprised me considerably: 'I hope you get home soon because all of us will follow you very soon.' On the night of the 11th of May we left Moscow

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and traveled over Minsk and Byelostock to Malkinia where we crossed the new German border. We were put on a German train, received rationing cards, and while the train stood at the station for awhile, I had the opportunity to speak to some of the soldiers who stood around the platform. It was here we received the shocking news that Rudolph Hess had scrambled out of Germany and another remarkable fact was the statement of a junior officer which he made personally to me while I spoke with him. He said that it was his sincere belief that the fight with Russia would very soon start, this because a great number of German divisions were concentrated along the border. I as a person could not believe it because Hitler made the following statement during the time of the non-aggression pact with Russia: 'This pact binds two people together which are not basically enemies, although our enemies, which are also the enemies of the Russians, wish us two people to fight so that they should gain.'

"We left Malkinia at 1 o'clock in the morning on the 13th of May. At daybreak I stood at the window of the train and noticed to my surprise the following facts: First, a great number of moving troops with tanks, guns, and all war materials; second, at very small railroad junctions they were widening the tracks, adding new tracks to the main tracks, and erecting signal towers. This gave me proof that the Germans were really preparing an attack on Russia. For there was no industrial units to be seen in any of these small junctions.

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"At 3 o'clock, May 13th, we arrived in Berlin. We were received by a group of officers of the Foreign Organization of the National Socialistic Party. We all were taken together into the ballroom of a hotel near the station. There a reception committee greeted us and speeches were made where they expressed appreciation for our homecoming in a time of war. Thereafter, we were given numerous forms to fill out. On all these forms the question was asked, 'Why did you return to Germany?' I answered every one of them, 'To partake in the political life.'. Only once was I asked what I meant by that statement and this was when I was summoned to appear in front of the Gestapo. That Agent asked me what I meant by that. I answered that political participation to my way of reasoning means to do the right thing the proper way. 'Even if I have to work as a street cleaner and I do my job cleaning streets right, I participate politically.'

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"We were given 250 marks traveling expenses, and on the next day, May 14th, I went home to my mother with instructions that after two weeks time I should report to the office of returning Germans in Stuttgart. I remained with my mother for 10 days, during which time I received two letters from America. Both were sent from my sister Johanna Nunn of College Point, New York City. The first one told me that my wife would probably sail from New York in the near future, while the second one told me definitely that she had left on the 26th of April, 1941, on board the Spanish Steamer 'Marques de Camille.' At that time it must have been already the 25th of May and my wife had not arrived yet. That made me worry. I did not wait for the 15 days to be over but went to Stuttgart directly to find out whether I could hear something about my wife and at the same time finish up my business.

"When I got to Stuttgart, I was told in a snippish way by one of the officers that I was not supposed to have gone to Stuttgart because my home town does not belong to the District of Stuttgart, but that I had to go to Saarbrücken. I could not find out anything about the whereabouts of my wife but at least wanted to find out why I was supposed to go to Stuttgart. There I was told that I was to get a pass which would give me the chance to go and get a working book. In other words, it was supposed to be the beginning of my being regimented into the German system. The fact though that I had to go to Saarbrücken even and at the same time allow me a

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few days to be free, I came to the following conclusion: First, I was only registered at the police, I was otherwise a free man. I could move around and I made the following observation: First, that bureaucracy is existing in Germany; second, that you have got to know someone if you wish to go somewhere; and third, that it was a great handicap to me that I was not a member of the party. I had told the officer in Stuttgart that I was very much surprised at the way I was being treated; that I did not come back to my home country to work because I argued that I worked back in the States. I came here to do my duty for my country. He said to me, 'If you mean by that military service, then I advise you to go to the headquarters of the 8th Army Area in Stuttgart.' I went there and had the good fortune of being approached by a young man, a First Lieutenant. He was very much impressed after I showed him my passport and told him that I had come home at this time, and he said to me that it would be a shame if I would enlist voluntarily or by draft into the service to become just an ordinary soldier because he was fully convinced that with my knowledge I could be used for much better purposes. He said to me, 'I would advise you to go to your own district headquarters in which your home town belongs to and that is the headquarters of the Third Army in Wiesbaden.'

"While I was in Stuttgart, I paid a visit to some of my cousins, among them the wife of Rheinhold Barth, the very same person who up until 1938 resided in the

United States, the very same person who was trying his best to bring me into the Bund. His wife told me that at the present he is a soldier attached to a company of interpreters in Berlin. I jotted down that address, at the time not knowing that in a very short time I was to be in Berlin.

"When I left Stuttgart, I traveled over to Osterbügen where the father of my brother-in-law, Adolf Wunn the husband of my sister Johanna, lives. When I finally found the father of my brother-in-law, I found a downhearted person. My mother had told me before I left when I told her of my intentions of paying this man a visit that somehow to her knowledge this man had some trouble with the Nazi Party. When I gained his confidence after a few glasses of wine, he broke down in tears and told me because of his religious belief and fighting heart, he, a man of 73 years of age, spent nine months in a concentration camp. He is of the Catholic faith. He is a very devout Catholic. During this sorrowful time, his wife died. He was in such a state of mind that he was begging to die. He was very much interested in the welfare of his son, and when I told him that he should not have any fear, he was relieved.

"When I got home to my mother, she wanted to find out how far I had progressed. I told her that I had to go to Wiesbaden. My mother had in the meanwhile approached a person who is an officer of the I. G. Farben Industriem. This firm sent me a letter with a request that I pay them

a visit at their office in Frankfort. When I reached Wiesbaden I went to see a Lieutenant Colonel Warnecke. They had also received notice of my coming. There I was cross examined of what I had seen in Russia. I told them that in eastern Siberia and on the Siberian Railroad all the way into Moscow, war materials in the form of trucks and tanks were going eastward. Furthermore, that I could not to the best of my recollection state to have seen any military preparations to any extent on the European side of Russia. When I asked this officer of my request to be able to be put to the best possible use he said to me that he didn't understand me, - 'What do you think - we fry an extra fish for you?' I was very much put out at this general behavior and at the treatment I had received. I merely begged the officer to sign the little slip which I had along and requested my passport back and merely told him that he was unable to understand my reasoning for he is only a soldier.

"I went to Frankfort but not to the I. G. Farben Industries but went directly to the station and took the first train to Berlin. When I got to Berlin I knew only one office where I could have contact where I was known and that was the main office of the returning Germans. I went to the manager, a fellow by the name of Mueller, and made my request known to him. He told me in short words that officially he could not help me; that he could not understand what I wanted. So I told him, 'I fight my own way.' I thereafter went to the Office of the Ministry of Propaganda where I presented my passport

at request and was directed into the office of the American Division of the ministry. The officer I spoke to was a Dr. Ullman. I told him that the reason of my coming to him was that I was able to put my knowledge of the American way of reasoning into use and furthermore I made the blank statement that their propaganda towards America is unjust and not correct. For that he bluntly threw me out, although he promised that he would use his influence to get me into a company for interpreters. As I left his office I happened to remember that my cousin in Stuttgart had told me her husband was in Berlin with one of those companies. So that night I went and looked up that place and confronted this boy. He was very much surprised to see me at this time in Germany. I told him my experience of that day and also the request of Dr. Ullman about joining his company or one of the companies. He told me that as far as he knew me, that was not the right place; that I wasn't a soldier in the first place and I could never be a soldier. So he advised me to go to the main office of the Foreign Organization of the National Socialistic Party.

"The following morning I went there. Fortunately it was my luck that this time I came into the hands of a quiet person who had some form of understanding of what I wanted because he himself, as he claimed, had lived for sometime in foreign countries. He directed me into the office of a Dr. Henn. This Dr. Henn was a representative of the Secret Military Branch of the Foreign Organization.

At that time I did not know that this were true. He requested my life story, of which I had a number of copies with me. Thereafter, he stated that he knew exactly where he should put me and with whom I should get in contact. He called up the German High Command and asked for a Lieutenant Colonel Luehrs. He was unable to reach that person so he asked me to return after luncheon to see him again. When I returned, he gave me a letter addressed to this Lieutenant Colonel at the headquarters of the General Staff at the Tirpitz Ufer in Berlin.

"When I reached that office, I was told that this officer was not with the General Staff any more and for that reason I could not have entrance to the building. I pleaded with the officer with all my might, explaining to him that the contents of the letter would be of great value to the right person. So after much pleading, he asked one of the non-commissioned officers to take me to the 4th floor to a certain room. When we got there, we were told that the officer we were supposed to see had moved and no one could tell us where. So this non-commissioned officer told me that he would take me back downstairs again. So I asked him to kindly give me the letter for a moment. At this very moment I stood in front of a door and knocked at the door and walked right in and closed the door behind me. A staff officer with red stripes, I think he was a colonel, approached me and asked me what I wanted. So I told him that I had a letter to Lieutenant Colonel Luehrs but to my sorrow I

had learned that he was no longer there; that I had had a great deal of trouble getting in there and that I was anxious to get the contents of this letter known. I requested him to open the letter, which he refused for the letter was not addressed to him. I begged him to do so and finally tore the letter open and handed the letter back to him so that he could read the contents. After reading it, he merely said to me, 'Come right in old man.' Outside the non-commissioned officer on the door stood shivering. The staff officer advised him to go right back where he came from and took me into the office to Captain Spies. There I was treated very cordially. After he read the letter, he requested me to sit down and smoke a cigarette and he cross-examined me as to what I knew about America. Thereafter, he introduced me to a Major Hotzel. I was then requested to return the following day, after I had made sure that this time my entrance into the building was secure, to meet the person who handled the cases of this office for the United States. There I found out that this Captain Spies had Central America.

"The following was dictated by George John Dasch to Pauline Fogg, Federal Bureau of Investigation, in the presence of Duane L. Traynor, Special Agent:

"On the next day which was, at my best recollection, the third day of June, 1941, I had for the first time in my life the pleasure of meeting Lieutenant Kappe. He was in uniform. I was at the same time introduced to another

person in civilian clothes. His name I do not recollect anymore. On the day before I had left my passport and my life story in the hands of Captain Spies. Those two gentlemen requested me to go to another office which had an appearance of a drawing room. There they started to cross examine me about my life in the United States; what I did; how long I had been there; my participation in political sense as well as in general. I made a request that I would like to join the German army, to which Lieutenant Kappe replied that I am crazy because he would give me two weeks and I would be sitting high and dry. He stated further that he'd trust me to be a person who could be used to much better advantage than that of a soldier. He made me an offer whether I wanted to work for the German foreign office or whether I would be willing to participate in some other form of endeavor. What form he did not make clear. When I asked him to explain to me what kind of work I was supposed to do at the foreign office, he stated that he had me in mind to work as a monitor in a listening station for all foreign broadcasts. I told him that I was willing to do that. He then called up a gentleman by the name of Ferrer, who was the head of an organization under the jurisdiction of the German foreign office which was designated the following name: Sonderdienst Seehaus. I happened to hear during this conversation he had with Mr. Ferrer that he had previously taken away from this office two men and that he promised to replace them and that he was convinced

that I was the right person for that job. I immediately started out to that office which is located at 24 Grossen Wannse.

"I got into a conference on the same night with this Dr. Ferra. To my satisfaction I was able to talk the English language. That night I was officially hired at a salary of 450 marks monthly. In addition to that 75 marks, which is an additional pay given to government workers. I was also sworn in that night to secrecy and was informed of the punishment if I would violate my oath. I asked Mr. Ferra to give me a few days to go home to my mother to get my belongings. One other thing, I wish to state that during the time of my travels in Berlin, I contacted Dr. Kundt of the German foreign office, Branch E. There I was trying to find out the whereabouts of my wife. I was told that the German government has already requested of the Spanish government the story of the whereabouts of the Marquis du Camille.

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"I started my employment with the foreign office officially on the 6th day of June, 1941. I was assigned to the American group, which at that time stood under the leadership of an American boy out of New Jersey by the name of Fred Linge. Also a brother of his by the name of Bill Linge was employed there. Those two were the only American citizens. I know it was a fact that they were born near Newark, New Jersey, and had returned to Germany sometime before the war with their parents. Linge claimed that he at one time studied at Alabama University.

"The purpose of this listening post was to gather all the news, propaganda, and articles which the world's radio stations sent out daily for twenty-four hours. In that office fifty-three different languages were spoken. The monitor's job was to receive the transmission word for word and translate them into the German language. Three types of apparatus for the reception were used; first, the magnetophone; second, wire reception, and third, by records. Each room was equipped with three kinds of radio reception apparatus. The American and South American group was connected to a specially built antenna (Rumpus?). Also attached on that antenna was a separate office where at least twelve different types of radios were in, amongst them American-made radios. The purpose of this office was to trace and keep record of time and station of every radio station in the world, including secret centers. Through this listening post the following representatives of

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the cabinet were represented: First, foreign office; second, office of secretary of interior; third, office of propaganda minister; fourth, office of the press; fifth, the postal service, and, sixth, the German High Command. All those offices, including the office of Foreign Minister Ribbentrop, were directly connected via teletype, any news of political or any other value could directly be sent to the respective offices.

"When I reached Berlin, I had to experience a shortage of housing. I was fortunate to find a room at No. 10 Schoeneberger Street, Steglitz, Berlin. My landlady, Mrs. Christine Stauf, happened to be a member of the NSDAP and also an active worker of the NSV. To my surprise, I got out of her after a short while the fact that it was her duty to report what kind of papers I read. I had the opportunity to meet a lot of women which assembled at my landlady's house. All of them were active party members. After a length of time I was able to notice even amongst them a great amount of dissatisfaction in regards to the food situation as well of the general war conditions. They all seemed to be very tired of this war. My landlady invited me one night to the meeting hall of the party section to which she was assigned to. I found at least 300 men and women there. But to my surprise you could feel the sense of fear right amongst them. None of them spoke very much and when they did speak they mumbled. I walked out of the place saying, 'Why, Christ, they are all scared of each other.' During my stay in Germany, I took ample opportunities to go

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into the general life to investigate the social conditions as well as the mental attitude of the everyday people. Workers in the northern section of Berlin, which has always been the hotbed of the Communists, are easily seventy per cent against Hitler. I met a young woman who told me more about the news of the foreign radio stations than I knew. She told me that in certain sections there is a good radio and in another section are others. One or two people get together and tell what they have heard.

"As I came to Mannheim about six weeks ago, I got in contact with a business man. I was ushered through a distant relation of mine into a group of businessmen. After I was introduced, that relation of mine merely said the following words, 'Go ahead, boys, and talk. He's one of our boys.' And there I also got ample evidence that the German people are listening to the reception not only of American or English radio stations but also to the news which comes out of Russia. Another widely distributed propaganda line is that the enemies started and wanted the war. If you have the opportunity as I had to study the existing conditions and facts it comes clear to your eyes that this war was painfully developed many years ago. Hitler boasts in his propaganda of having given Germany master roads. But after close observation of the road map you see that these roads are always close to the border of the country which they are attacking. Five weeks

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ago I had been up to Bitterfeldt to visit for instruction purposes the aluminum works. That factory, which was, according to the manager's own words, built under the four-year plan in 1936, was built in such a fashion that it was immune to airplane attack. That was a statement proved to me again that the Germans planned this war a long time ago. In my own home town they built a bridge over the Rhine. They gave the German people the peoples' radio set with a short reception range. This was done from a long range viewpoint that in case of war the German people could only listen to what they wanted them to.

"At Braunenschweig they built a plant for the people's cars. They made the German people sign up as a future buyer and made them, already as far back as 1937, to pay for this car, which, up to today, they have never received. That factory ever since 1938 has built nothing but tanks. All these facts, which after a thorough examination came to my mind, convinced me the more so that Hitler has wanted this war. Therefore, I, as a little person, made a vow to die to get at him (Hitler).

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"The following was dictated by George John Dasch to Rachel M. Bowman, FBI, in the presence of Duane L. Traynor, Special Agent:

"After it became clear to me that this whole set up of Nazism has to be fought, I had to find a way to do it. In the country itself I was unable to do

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any effective work. So therefore I had to find a way to leave the country. In my office there was a co-worker by the name of Miss Leonhardt who was born in Germany and as a child of three or four years came to the United States with her parents. She resided for the most part of her life in Detroit. She had been employed in America as a secretary. When I got to know the lady who came to work in my office a few months after I had started to work and she told me that she also knows Lieutenant Kappe, the man who got me the job. In that respect I wish to add that when Lieutenant Kappe gave me the job, he made the following statement: 'Mr. Dasch, if at any time you have something on your mind or something does not go right, I beg you to come right back to me and report that.'

"I spoke to Miss Leonhardt while working with her during the night. She told me that she was active in the Bund movement in the United States and she came to Germany on the same boat my mother did. She has been recently employed with Office of Espionage No. 3 which to her statement had charge of the censorship. I asked her at that time who this fellow Lieutenant Kappe was. She said, 'Well, I know him from America where for a long time he has been a reporter with German newspapers in Chicago and also in Cincinnati and Philadelphia.' Later on when we opened the question about his activities in the United States in regards to work, I approached her with the question whether he had worked for the New York German newspaper Steets Zeitung and

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whether he knows Mr. Kitter. I merely said that he is a 'traitor and a bum and is no good for Germany'.

"After I knew Miss Leonhardt for a short time, she approached me one night and said 'It is an awful crime that a man of your intelligence and your knowledge of American life should waste his time here doing this kind of work where you could be much more to the service of your country in America.' I said, 'What do you mean?' She said, 'You know there are ways where you can be used.' I was right away interested. I said, 'Whom do you know, who can I see?' So she mentioned a First Lieutenant Kolbe, an officer of Espionage No. 3 where she was recently employed. His office was supposed to be in Budapest Strasse 24. The first chance I had I tried to look up this address, and to my sorrow I found that building a false address. I went back and told Miss Leonhardt about it and that I was unable to find him under that address. She promised that she would take me there at her best time. One of the women who came to pay a visit quite regularly at my landlady's house was a woman whose daughter was employed by the German High Command, in which capacity or branch she was employed I do not know.

"During the time I was so interested in finding Lieutenant Kolbe that young lady happened to pay a visit to my landlady and I merely questioned her whether she could tell me where I could find that office and the meaning of Intelligence - 3. She told me that it was censorship and asked me why I was

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interested. So I related to her the conversation I had with Miss Leonhardt out of which she gathered that I was interested in coming in contact with spy activities. She said 'If you are interested, kindly give me your life story' and said if I had any recommendations I should mention those people. So I mentioned Lieutenant Kappe whom I had met again at a gathering of German citizens who had previously resided in the United States. This meeting took place every first Sunday of the month in a restaurant where Lieutenant Kappe was usually the master of ceremonies. The time I saw him he merely approached me by asking how I am doing and at that time I told him that I was not quite satisfied with my activities that I felt I should do something bigger and better for my country. He told me that I should bide my time; in due time he would call on me.

"After, I had given that young lady who was employed with the German High Command my life story and she had promised me to present it to her office which was on a Friday night, I received the following Monday a message from my friend Reinhold Barth, who in the meanwhile, through the influence of Lieutenant Kappe who is also a personal friend of Barth's from America, advanced to the grade of Warrant Officer of the General Staff of the Army (OKH) where he and his fellow co-workers in that department were employed to analyze the technical end of all enemy airplanes and motors. I received from him a message to report directly

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to the General Headquarters, Room 1025. Lieutenant Kappe he stated further was very sore at me. Before I went to the General Headquarters I paid Barth a visit at his office and ask him what it was all about. He said Walter Kappe was very sore at me for not having told him of my plans. I should come directly over to his office. I made an appointment from Barth's office and called Kappe by a phone, where he requested me to appear directly. When I got there he said, 'You're a hell of a nice guy. Do you realize when you left this office what I asked you to do? Whenever you have anything on your mind please come back to this office and tell me about it.' So he told me further that ever since the first time he had seen me and I spoke to him he had me picked out for a certain job, to which at that time he did not wish to make a definite statement but explained that it had something to do with Military Espionage. I told him that it was rather odd that he did not tell me anything a long time ago. This meeting took place the end of November of last year.

"He told me that something of very importance is in the makeup but that the permission to start this undertaking has not been granted yet by the German High Command because the German foreign office is opposed to it. I knew right there and then when I left that office that the mission for which I was appointed was to be in America because in my place of business every possible efforts were shown not to

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offend or raise any issue with the Government of the United States. Walter Kappe asked me to keep in touch with him. I also told him at that time that I would continue to negotiate with the first party who he approached directly to that young lady, the daughter of the friend of my landlady. Three or four days later I received a message from Walter Kappe to see him. As I came to him he said, 'George, I am now in the position to disclose to you a few facts but before I do that, I wish you to sign this statement.' The statement contained an oath or declaration that I, for the length of my life, will not disclose anything which I have heard to no one. I signed that statement which said as follows: 'Matters are come soon to a head which will expedite the plan on which my office has been working for a long time.'

The President. I think we will adjourn now. Before adjournment are there any remarks from either side? If not, the Commission is adjourned to 9:30 o'clock tomorrow.

(At 5 o'clock p. m. an adjournment was taken until Thursday, July 16, at 10 o'clock a.m.)

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